UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
MAR 15 2011
OFFICE OF PETITIONS

In re Application of :
James M. STARK, et *al.* :
Application No. 11/870,961 : DECISION GRANTING PETITION
Filed: October 11, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **17970-0013001** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 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The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination).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 21, 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 2881 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Petition for Correction of Inventorship under 37 CFR 1.48(a).

/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

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

Paper No.

MAILED

NOV 10 2011

OFFICE OF PETITIONS

Fish & Richardson PC (BO)
P.O.Box 1022
Minneapolis MN 55440-1022

In re Patent No. 8,003,964	:	
Stark et al.	:	DECISION ON
Issue Date: August 23, 2011	:	REQUEST FOR
Application No. 11/870,961	:	RECONSIDERATION OF
Filed: October 11, 2007	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 17970-0013001	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(d)," filed October 18, 2011, requesting that the patent term adjustment determination for the above-identified patent be changed from three hundred and sixty-seven (367) days to five hundred and nine (509) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by three hundred and forty-one (341) days is **GRANTED to the extent indicated herein.**

BACKGROUND

On August 23, 2011, the above-identified application matured into US Patent No. 8,003,964 with a patent term adjustment of 367 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See 37 C.F.R. § 1.705(d).

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

Patentee disputes two issues:

1. Patentee asserts that two additional periods of reduction should be assessed;

2. Patentee agrees that the over three-year period stops with the filing of a RCE, but argues that the three-year period should restart with the mailing of a notice of allowance.

Regarding the first item that is in dispute: the assessment of two additional periods of reduction:

The Office agrees that a the submission of an Information Disclosure Statement (IDS) on June 18, 2010 warrants a reduction of four days and the submission of an IDS on March 16, 2011 warrants a reduction of two days, each pursuant to 37 C.F.R. § 1.704(c)(8).

A review of the records reveals that one additional period of reduction is warranted. A notice of allowance was mailed on October 21, 2010. A Rule 1.312 amendment was filed on January 21, 2011, and a "Response to Rule 312 Communication" was mailed 19 days later on February 9, 2011. This warrants a reduction of 20 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. Regarding this 20-day reduction, 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.

Regarding the second calculation that is in dispute: whether the over three-year period that has ceased with the filing of a RCE should restart upon the mailing of a notice of allowance:

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 C.F.R. § 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

At issue is the period not included in the B-delay for "any time consumed by continued examination of the application requested by the applicant under section 132(b)." See U.S.C. 154(b)(1)(B)(i). **The Office maintains that the entire period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period.** As such, there is no over three-year period, since the first RCE was filed on June 14, 2010, which is prior to the three-year anniversary of the application's filing date on October 11, 2010.

Patentee argues that the 147-day[1] period between the mailing of the notice of allowance on March 29, 2011 and the issuance of the patent on August 23, 2011 should be included in the period of B-delay, as this time "was not 'consumed by continued examination of the application."[2] As such, Patentee argues that the over three-year period begins with the closure of examination via the mailing of a notice of allowance on March 29, 2011 and ends on August 23, 2011 with the issuance of the patent.

Patentee's argument has been considered, but not found persuasive. 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 time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56365, 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"[3] 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

---

[1] Patentee has miscalculated this period to constitute 148 days.
[2] Petition, page 3.
[3] Id.

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, 580 F.Supp.2d 138 (D.D.C., September 30, 2008), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

Thus, not including "any time consumed by" means not including any days used to prosecute the application as specified in clauses (i)-(ii)[4]. 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"

[4] 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.

refers to any days used in the course of 1) continued examination of the application under section 132(b) (the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus, that 3-year period given to the Office to issue a patent before an adjustment will accrue for "B delay" does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

Fourth, "the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued" meaning that the consequence of this failure is that after "the end of that 3-year period" an additional 1 day of patent term will accrue for each day that the application is pending until the day the patent is issued.

The "time consumed by" or used in the course of the continued examination of the application requested by the applicant under section 132(b) does not end until issuance of the patent. 35 U.S.C. 132(b) was enacted under the same title, the "American Inventors Protection Act of 1999," as 35 U.S.C. 154(b). Section 4403 of the AIPA amended 35 U.S.C. § 132 to provide, at the request of the applicant, for continued examination of an application for a fee (request for continued examination or RCE practice), without requiring the applicant to file a continuing application under 37 CFR 1.53(b) or a continued prosecution application (CPA) under 37 CFR 1.53(d). Thus, clause (i) is different from clause (ii) in that clause (i) refers to an examination process whereas clause (ii) refers to time consumed by proceedings (interferences, secrecy orders and appeals) in an application.

By nature, the time used in the course of the examination process continues to issuance of the patent. The examination process involves examining the application to ascertain whether it appears that the applicant is entitled to a patent under the law. See 35 U.S.C. 131 ("[t]he Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor"). If on examination it appears that the applicant is entitled to a patent, the USPTO issues a notice of allowance. See 35 U.S.C. 151 ("[i]f it appears that applicant is entitled to a patent under the law, a written

notice of allowance of the application shall be given or mailed to the applicant"). If on examination it appears that the applicant is not entitled to a patent, the USPTO issues a notice (an Office action) stating the applicable rejection, objection, or other requirement, with the reasons therefor. See 35 U.S.C. 132 ("[w]henever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application"). Neither the issuance of a notice of allowance nor the insurance of an Office action terminates the examination process. If after the issuance of an Office action under 35 U.S.C. 132 it subsequently appears that the applicant is entitled to a patent (e.g., in response to an argument or amendment by the applicant), the USPTO will issue a notice of allowance. Conversely, if after the issuance of a notice of allowance under 35 U.S.C. 151 it subsequently appears that the applicant is not entitled to a patent (e.g., in response to information provided by the applicant or uncovered by the USPTO), the USPTO will withdraw the application from issuance and issue an Office action under 35 U.S.C. 132 stating the applicable rejection, objection, or other requirement, with the reasons therefor.

As held in Blacklight Power, the USPTO's responsibility to issue a patent containing only patentable claims does not end with the issuance of a notice of allowance under 35 U.S.C. 151. See BlackLight Power, Inc. v. Rogan, 295 F.3d 1269, 1273 (Fed. Cir. 2002). Rather, if there is any substantial, reasonable ground within the knowledge or cognizance of the Director as to why an application should not issue, it is the USPTO's duty to refuse to issue the patent even if a notice of allowance has previously been issued for the application. See In re Drawbaugh, 9 App. D.C. 219, 240 (D.C. Cir 1896).

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is pending before the USPTO (*i.e.*, until a patent is granted or the application is abandoned). See 37 CFR 1.56(a) ("[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned"). 37

CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures[5] 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).

It follows that the patent term adjustment totals 341 (424 examination delay plus 0 B delay minus 83[6] applicant delay) days.

---

[5] 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.

[6] 57 + 4 + 20 + 2 = 83.

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. To the extent that Patentees dispute the effect of the RCE cutoff on B delay, 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.

Any subsequent filing pertaining to this matter should indicate that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[7] hand-delivery,[8] or facsimile.[9] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[10]

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 Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **three hundred and forty-one (341) days**.

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

Enclosure: Copy of DRAFT Certificate of Correction

---

[7] Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
[8] Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
[9] (571) 273-8300: please note this is a central facsimile number.
[10] https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 8,003,964 B2

DATED : **August 23, 2011** **DRAFT**

INVENTOR(S) : Stark 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 367 days

Delete the phrase "by 367 days" and insert – by 341 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
JAN 13 2012
OFFICE OF PETITIONS

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

In re Patent No. 8,050,701
Issued: November 1, 2011
Application No. 11/870,962
Filed: October 11, 2007
Attorney Docket No. 070331

:DECISION ON REQUEST
: FOR RECONSIDERATION
: OF PATENT TERM ADJUSTMENT
: AND
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This letter is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)", filed December 29, 2011, requesting that the patent term adjustment indicated on the above-identified patent be corrected from 642 days to 678 days.

The request for correction of the initial determination of patent term adjustment (PTA) is **GRANTED.** The PTA at the time of the mailing of the notice of allowance is 678 days.

On November 1, 2011, the above-identified application matured into U.S. Patent No. 8,050,701 with a revised patent term adjustment of 642 days. On December 29, 2011, patentees timely submitted this application for patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 678 days.

The Office initially determined a patent term adjustment of five hundred fifteen (515) days which included thirty-one (31) days of applicant delay. However, after the issuance of the patent, additional delays were recorded that revised the Patent Term Adjustment. Pursuant to 37 C.F.R. § 1.704(c)(10), a period of reduction totaling 51 days was entered for applicant filing papers after the mailing of the notice of allowance.

On September 12, 2011 an amendment under 37 C.F.R. § 1.312 and an Information Disclosure Statement (IDS) were filed, after the mailing of the Notice of Allowance. A response was sent via electronic transmission on September 26, 2011.

Pursuant to 37 CFR 1.704(c)(10) a period of applicant delay in the amount of 51 days was accorded for the filing of the amendment under § 1.312 and the IDS.

Specifically, 37 CFR 1.704(c) provides, in pertinent part, 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:
>
> (10) Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of
>
> (i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper; or
>
> (ii) Four months; ...
>
>> 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.

Given the filing on September 12, 2011 of the amendment under § 1.312 and the Information Disclosure Statement (IDS), after the mailing of the Notice of Allowance on June 28, 2011, a period of reduction pursuant to 37 CFR § 1.704(c)(10) should have been entered. However, as the response mailed September 28, 2011 acknowledges and is responsive to the filing of both the amendment under § 1.312 and the IDS, the

period of delay is 15 days, counting the number of days from September 12, 2011 to September 28, 2011. Accordingly, only the reduction of 15 days is warranted and the period of delay in the amount of 45 is being removed. As such, the patent term adjustment is 678 days.

The Office acknowledges the authorization to charge the $200.00 fee set forth in 37 CFR 1.18(e) to deposit account no. 17-0026.

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

The application is being forwarded to the Certificates of 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 seventy eight (678)** days.

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

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 8,050,701B2

DATED : November 1, 2011

INVENTOR(S) : Alexei Gorokhov

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 (642) days

Delete the phrase "by 642 days" and insert – by 678 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Baker Donelson Bearman, Caldwell & Berkowitz, PC
920 Massachusetts Ave, NW
Suite 900
Washington DC 20001

MAILED
OCT 17 2011
OFFICE OF PETITIONS

In re Patent No. 8,008,007	:	
Issue Date: August 30, 2011	:	
Application No. 11/871,016	:	DECISION ON PETITION
Filed: October 11, 2007	:	
Attorney Docket No. 2905193-002000	:	

This is a decision on the petition, filed, September 15, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's residence on the front page of the above-identified patent by way of a certificate of correction.

The request is **GRANTED**.

Petitioner states that the correct assignee's residence is "RWTH AACHEN, AACHEN (DE) and INSTITUTE OF BIOTECHNOLOGY, VILNIUS (LT)" and that the incorrect assignee's residence was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee's residence on the front 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

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

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that "Thales Raytheon Systems Company, LLC, Fullerton, CA (US) RWTH AACHEN, AACHEN (DE) and INSTITUTE OF BIOTECHNOLOGY, VILNIUS (LT)" is the assignee's residence of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

Inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction.

/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

KYOCERA INTERNATIONAL INC.
INTELLECTUAL PROPERY
DEPARTMENT
P.O. BOX 928289
SAN DIEGO CA 92192

MAILED
DEC 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Rajan et al.	:	DECISION ON PETITION
Application No. 11/871,019	:	
Filed: October 11, 2007	:	
Atty Docket No. UTL 00797	:	

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed November 17, 2011.

The petition is **GRANTED**.

On April 1, 2011, a non-final Office action was mailed in the above-identified application. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply was filed and no extension of time was obtained. Accordingly, the application became abandoned effective July 2, 2011. A courtesy Notice of Abandonment was mailed on October 31, 2011.

The petition includes the required reply in the form of an amendment, the required statement of unintentional delay; and payment of the petition fee set forth in 37 CFR § 1.17(m). No terminal disclaimer is required.

All requirements of 37 CFR 1.137(b) have been met.

Technology Center AU 2617 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on November 17, 2011.

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

/Nancy Johnson/

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

Decision Date : February 14, 2012

In re Application of :

David Colter

Application No : 11871045

Filed : 11-Oct-2007

Attorney Docket No : 026038.0216PTUS

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 February 14, 2012

The request is **APPROVED**

The request was signed by Scott A. Chambers (registration no. 37573) on behalf of all attorneys/agents associated with Customer Number 32042 . All attorneys/agents associated with Customer Number 32042 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 27777 .

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

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

Office of Petitions

Doc Code: PET.AUTO **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	11871045
Filing Date	11-Oct-2007
First Named Inventor	David Colter
Art Unit	1632
Examiner Name	JOANNE HAMA
Attorney Docket Number	026038.0216PTUS
Title	KIDNEY-DERIVED CELLS AND METHODS OF USE IN TISSUE REPAIR AND REGENERATION

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 32042

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

10.40(b)(4)

10.40(c)(5)

Certifications

☒ 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 address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 27777

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Scott A. Chambers/
Name	Scott A. Chambers
Registration Number	37573

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	11871108
Filing Date	11-Oct-2007
First Named Inventor	William Wanker
Art Unit	3625
Examiner Name	MICHAEL MISIASZEK
Attorney Docket Number	67436-8001.US02
Title	CUSTOMIZABLE ELECTRONIC COMMERCE COMPARISON SYSTEM AND METHOD

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 22918

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

10.40(c)(1)(iv)

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	William Paul Wanker
Address	369 Montezuma #339
City	Santa Fe
State	NM
Postal Code	87501

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Jordan M. Becker/
Name	Jordan M. Becker
Registration Number	39602

UNITED STATES 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 : March 6, 2012

In re Application of :

William Wanker

Application No : 11871108

Filed : 11-Oct-2007

Attorney Docket No : 67436-8001.US02

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 March 6, 2012

The request is **APPROVED.**

The request was signed by Jordan M. Becker (registration no. 39602) on behalf of all attorneys/agents associated with Customer Number 22918 . All attorneys/agents associated with Cusotmer Number 22918 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	William Paul Wanker
Name2	
Address 1	369 Montezuma #339
Address 2	
City	Santa Fe
State	NM
Postal Code	87501
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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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

MAILED
APR 04 2012
OFFICE OF PETITIONS

In re Application of	:	
Gregory P. Manning, et al.	:	
Application No. 11/871,270	:	DECISION ON PETITION
Filed: October 12, 2007	:	
Attorney Docket No. 07-2181	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 10, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 9, 2012, as required by the Notice of Allowance and Fee(s) Due, mailed November 9, 2011. Accordingly, the date of abandonment of this application is January 10, 2012. The Notice of Abandonment was mailed February 17, 2012.

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 $1,740 and the publication fee of $300, (2) the petition fee of $1,860; 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 Office of Data Management for processing into a patent.

/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

HOFFMANN-LA ROCHE INC.
PATENT LAW DEPARTMENT
340 KINGSLAND STREET
NUTLEY NJ 07110

MAILED
MAY 23 2011
OFFICE OF PETITIONS

In re Application of	:	
Ackermann, et al.	:	
Application No. 11/871,318	:	DECISION ON PETITION
Filed: October 12, 2007	:	
Attorney Docket No. 23655	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 14, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned December 11, 2009 for failure to timely submit a proper reply to the non-final Office action mailed September 10, 2009. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed April 15, 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 appeal brief, (2) the required petition fee, and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 1626 for appropriate action by the Examiner.

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

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

MAILED
JUN 23 2011
OFFICE OF PETITIONS

In re Patent No. 7,919,429	:	
Issue Date: April 5, 2011	:	
Application No. 11/871,376	:	NOTICE
Filed: October 12, 2007	:	
Attorney Docket No. 072327	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed March 14, 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 application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

/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
www.uspto.gov

JOHN J. MCARDLE, JR.
LEXMARK INTERNATIONAL, INC.
INTELLECTUAL PROPERTY DEPARTMENT
740 WEST NEW CIRCLE ROAD
LEXINGTON, KY 40550

MAILED

DEC 27 2010

OFFICE OF PETITIONS

In re Application of	:	
Aaron Don Deckark	:	
Application No. 11/871,517	:	DECISION ON PETITION
Filed: October 12, 2007	:	
Attorney Docket No. 2007-0162.01	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 23, 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 16, 2010, as required by the Notice of Allowance and Fee(s) Due mailed June 16, 2010. Accordingly, the application became abandoned on September 17, 2010. A Notice of Abandonment was mailed October 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 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.

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. There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

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

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09/19/11

TO SPE OF : ART UNIT 1772

SUBJECT : Request for Certificate of Correction for Appl. No.: 11871577 Patent No.: 7935319

CofC mailroom date: 09/06/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
You can fax the Directors/SPE response to 571-273-3421

Note: **Should the changes in the claims be approved?**

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **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

In Suk Bullock 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

LIFE TECHNOLOGIES CORPORATION
5791 Van Allen Way
Carlsbad CA 92008

MAILED
SEP 16 2011
OFFICE OF PETITIONS

In re Application of :
Richard Haugland et al. :
Application No. 11/871,596 : DECISION ON PETITION
Filed: October 12, 2007 :
Attorney Docket No. **IVGN 719.1 CON** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 9, 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 August 11, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed May 11, 2011. Accordingly, the date of abandonment of this application is August 12, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

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
www.uspto.gov

FULBRIGHT & JAWORSKI, LLP
1301 MCKINNEY, SUITE 5100
HOUSTON, TX 77010-3095

MAILED

NOV 15 2010

OFFICE OF PETITIONS

In re Application of	:	
Per ANDERSSON, et *al.*	:	
Application No. 11/871,614	:	DECISION GRANTING PETITION
Filed: October 12, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **HO-P03161US2**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 13, 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 7, 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 1772 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.*

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	11871647
Filing Date	12-Oct-2007
First Named Inventor	Lawrence Roberts
Art Unit	2461
Examiner Name	BENJAMIN LAMONT
Attorney Docket Number	ANA1P003
Title	SYSTEM, METHOD, AND COMPUTER PROGRAM PRODUCT FOR PROCESSING FLOW REQUESTS BASED ON AN ASSOCIATED PREFERENCE USING A SINGLE COMPUTATION

◉ Please withdraw me as attorney or agent for the above identified patent application and all the practitioners of record.

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

10.40(c)(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	Lawrence Roberts
Address	238 Hillview Ave.
City	Redwood City
State	CA
Postal Code	94062
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/KEVINZILKA/
Name	Kevin J. Zilka
Registration Number	41429

UNITED STATES 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 5,2011

In re Application of :

Lawrence Roberts

Application No : 11871647

Filed: 12-Oct-2007

Attorney Docket No : ANA1P003

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENT OF RECORD

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

The request is **APPROVED**

The request was signed by Kevin J. Zilka (registration no. 41429) on behalf of all the attorneys/agents of record. All attorneys/agents of record have been withdrawn.

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

Name	Lawrence Roberts
Name2	
Address 1	238 Hillview Ave.
Address 2	
City	Redwood City
State	CA
Postal Code	94062
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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

AUG 13 2010

OFFICE OF PETITIONS

COCHRAN FREUND & YOUNG LLC
2026 CARIBOU DR
SUITE 201
FORT COLLINS, CO 80525

In re Patent No. 7,719,681 :
Issue Date: May 18, 2010 :
Application No. 11/871,708 : NOTICE
Filed: October 12, 2007 :
Attorney Docket No. SIGM.01US01

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

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

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

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/871,731	10/12/2007	Geng Li	3075.001	7393

7590 05/19/2011
MCHALE & SLAVIN, P.A.
2855 PGA BLVD
PALM BEACH GARDENS, FL 33410

EXAMINER
FONTENOT, NIGEL RAI

ART UNIT	PAPER NUMBER
3768	

NOTIFICATION DATE	DELIVERY MODE
05/19/2011	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

May 17, 2011

MCHALE & SLAVIN, P.A.
2855 PGA BLVD
PALM BEACH GARDENS FL 33410

In re Application of	:	
Li, Geng	:	**DECISION ON PETITION**
Application No. 11/871,731	:	
Filed: 10/12/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 3075.001	:	***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, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

ALFRED E. MANN FOUNDATION FOR
SCIENTIFIC RESEARCH
PO BOX 905
SANTA CLARITA, CA 91380

MAILED
AUG 02 2011
OFFICE OF PETITIONS

In re Application of	:	
Joseph Schulman, Yitzhak Zilberman	:	
Kate Purnell, Martin Vogel and	:	DECISION REFUSING STATUS
Adam Vogel	:	UNDER 37 CFR 1.47(a)
Application No. 11/871,776	:	
Filed: October 12, 2007	:	
Attorney Docket No. A278-CIP	:	

This is a decision on the "PETITION UNDER 37 CFR 1.47(a)" filed December 27, 2007. This petition was recently forwarded to the undersigned for consideration.

The petition is **DISMISSED**.

Rule 47 applicants are given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath(s) or declaration(s) executed by the non-signing inventor(s). Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 C.F.R. §1.136(a).

The above-identified application was filed on October 12, 2007, without an executed oath or declaration but with an application data sheet. Accordingly, on October 29, 2007, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring submission of an executed oath or declaration and the surcharge for late filing under § 1.16(e).

In response, rule 47 applicants timely filed the instant petition, along with payment of the petition fee of $200 and the late surcharge. The petition includes a declaration executed by inventor Schulman and Adam Vogel, legal representative of deceased inventor Martin Vogel on behalf of themselves and on behalf of nonsigning inventors Zilberman and Purnell. Rule 47 applicants assert that status under § 1.47(a) is proper as the two nonsigning inventors have not responded to a request to sign the Declaration and Power of Attorney and are considered to be unreachable. In support thereof, applicants submit a statement of facts of attorney Gary Schnittgrund with supporting documentation.

A grantable petition under 37 CFR § 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The instant petition does not satisfy requirement (1).

In the statement of facts, it is stated that the declaration and power of attorney was sent to inventor Zilberman by email; however, he has not responded. A copy of the email showing attached patent application is enclosed. With respect to inventor Purnell, applicants submit a copy of the letter dated November 2, 2007 transmitting the application papers to her. Applicants state that she has not responded to the request to sign the declaration. There is no indication that the application papers were returned as undeliverable.

Before a refusal can be alleged, applicants must demonstrate 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. A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. See MPEP 409.03(d). Rule 47 applicants have alleged refusal, but have not submitted adequate proof that both of the non-signing inventors were presented with

all of the application papers. The petition does not include proof that inventor Zilberman received and was able to open the email communication. Unless it is shown that inventor Zilberman has acknowledged receipt of the contents of the email communication, it cannot be inferred that his failure to respond to the email constitutes a refusal. He may have not responded because he did not receive the email or he received it and was unable to open and read it.

With respect to inventor Purnell, in order for the proof to be adequate applicants must confirm that the mailing of November 2, 2007 was not returned as undeliverable and that inventor Purnell did not respond to the request to sign the declaration (or provide a statement of facts of the circumstances of an oral or written refusal).

Thus, it is concluded that rule 47 applicants have not submitted adequate proof of refusal of the inventors to join in the application.

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

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

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

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

Telephone inquiries concerning this matter 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

Paper No.

ALFRED E. MANN FOUNDATION FOR
SCIENTIFIC RESEARCH
PO BOX 905
SANTA CLARITA, CA 91380

MAILED
SEP 26 2011
OFFICE OF PETITIONS

In re Application of	:	
Joseph Schulman, Yitzhak Zilberman	:	
Kate Purnell, Martin Vogel and	:	DECISION ACCORDING STATUS
Adam Vogel	:	UNDER 37 CFR 1.47(a)
Application No. 11/871,776	:	
Filed: October 12, 2007	:	
Attorney Docket No. A278-CIP	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)" filed September 8, 2011.

The petition is **GRANTED**.

By decision mailed August 2, 2011, the initial petition under 37 CFR 1.47(a) was dismissed. The requirements of rule 47 were met, except the petition did not include adequate proof that the nonsigning inventors had by their conduct refused to join in the application after having been presented with all of the application papers.

On instant renewed petition, rule 47 applicant submits additional proof of the unavailability of inventors Zilberman and Purnell. This proof has been considered and found adequate to show that the inventors are unavailable within the meaning of 37 CFR 1.47(a).

The declaration filed December 27, 2007 was previously reviewed and found in compliance with § 1.63. The petition fee of $200 has been charged. The initial petition included the last known addresses of the non-signing inventors.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Yitzhak Zilberman
23462 Thornwood Drive
Santa Clara CA 91321

MAILED
SEP 26 2011
OFFICE OF PETITIONS

In re Application of	:	
Joseph Schulman, Yitzhak Zilberman	:	
Kate Purnell, Martin Vogel and	:	
Adam Vogel	:	LETTER
Application No. 11/871,776	:	
Filed: October 12, 2007	:	
Attorney Docket No. A278-CIP	:	

Dear Inventor Zilberman:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

ALFRED E. MANN FOUNDATION FOR
SCIENTIFIC RESEARCH
PO BOX 905
SANTA CLARITA, CA 91380

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Kate Purnell
23984 Via Bocina
Valencia, CA 91355

MAILED
SEP 26 2011
OFFICE OF PETITIONS

In re Application of	:	
Joseph Schulman, Yitzhak Zilberman	:	
Kate Purnell, Martin Vogel and	:	
Adam Vogel	:	LETTER
Application No. 11/871,776	:	
Filed: October 12, 2007	:	
Attorney Docket No. A278-CIP	:	

Dear Inventor Purnell:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be

directed to the Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

ALFRED E. MANN FOUNDATION FOR
SCIENTIFIC RESEARCH
PO BOX 905
SANTA CLARITA, CA 91380

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.
11/871,792	10/12/2007	Jiro Tateyama	10038569US01	7527

34904 7590 09/13/2010
CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION
15975 ALTON PARKWAY
IRVINE, CA 92618-3731

EXAMINER
COLES, EDWARD L

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
09/13/2010	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):

IPDocketing@cda.canon.com
mklein@cusa.canon.com
skalminov@cusa.canon.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

CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION
15975 ALTON PARKWAY
IRVINE CA 92618-3731

In re Application of	:	
TATEYAMA, JIRO	:	DECISION ON REQUEST TO
Application No. 11/871,792	:	PARTICIPATE IN PATENT
Filed: October 12, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. **10038569US01**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 19, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO 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 JPO 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 JPO 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 JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH 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 Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

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.
11/871,815	10/12/2007	Kazuhisa Ebuchi	10040303US01	7574

34904 7590 08/31/2010
CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION
15975 ALTON PARKWAY
IRVINE, CA 92618-3731

EXAMINER
AN, MENG AI T

ART UNIT	PAPER NUMBER
2195	

NOTIFICATION DATE	DELIVERY MODE
08/31/2010	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):

IPDocketing@cda.canon.com
mklein@cusa.canon.com
skalminov@cusa.canon.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

Canon U.S.A. Inc., Intellectual Property Division
15975 Alton Parkway
Irvine, CA 92618-3731

In re Application of: Ebuchi
Application No. 11/871,815
Filed: October 12, 2007
For: INFORMATION-PROCESSING APPARATUS AND INFORMATION-PROCESSING METHOD

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 7, 2010 to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the JPO, or

(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

(3) Applicant must:
a. Ensure 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 JPO application(s) and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy; b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

MP ~~(7) The required petition fee under 37 CFR 1.17(h).~~

The petition is **GRANTED.**

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES 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 02 2012
OFFICE OF PETITIONS

FISH & RICHARDSON P.C.
P.O. Box 1022
MINNEAPOLIS MN 55440-1022

In re Application of Whillock et al. Application No. 11/871,903 Filed: October 12, 2007 Attorney Docket No.07844-9802001 Title: WORK LOAD DISTRIBUTION AMONG SERVER PROCESSES	DECISION ON APPLICATION FOR PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed January 20, 2012. Applicants request that the patent term adjustment indicated on the Notice of Allowance and Issue Fee Due be corrected from six hundred and thirty-two (632) days to seven hundred and thirty-one (731) days.

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

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **seven hundred and thirty-one (731)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

Applicants state that any patent issuing from the application is not subject to a terminal disclaimer.[1]

The Office agrees that the adjustment of 542 days pursuant to 37 C.F.R. § 1.703(a)(1) that is associated with the mailing of a First Action Interview Pilot Program Pre-Interview Communication on October 7, 2010 is not warranted, as the mailing does not constitute an action under 35 U.S.C. § 132. The Office agrees that the Office did not mail an action under 35 U.S.C. § 132

[1] Petition, page 4.

until the mailing of a First Action Interview Office Action Summary on September 14, 2010, and therefore the examination delay pursuant to 37 C.F.R. § 1.703(a)(1) is 641 days, and not 542 days.

The adjustment of 542 days has been removed, and an adjustment of 641 days has been entered.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is seven hundred and thirty-one (731) days (731 days of Office delay minus zero days of Applicant delay).

Submission of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fee is required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and 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 matter should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Paul Shanoski

Paul Shanoski
Senior Attorney
Office of Petitions

Enclosure: Copy of updated PAIR screen

Patent Term Adjustments

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

Application Number*: 11871903 Search Explanation of PTA Calculation Explanation of PTE Calculation

PTA Calculations for Application: 11871903

Application Filing Date	10/12/2007	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	632
A Delays	632	PTO Manual Adjustment	99
B Delays	0	Applicant Delay (APPL)	0
C Delays	0	Total PTA (days)	731

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
80	01/25/2012		P028	Adjustment of PTA Calculation by PTO	641		0
79	01/25/2012		P028	Adjustment of PTA Calculation by PTO		542	0
69	11/09/2011	08/11/2011	MN/=.	Mail Notice of Allowance	90		53
68	11/04/2011		OAR	Office Action Review			0
67	11/04/2011		OAR	Office Action Review			0
66	11/04/2011		OAR	Office Action Review			0
65	11/04/2011		OAR	Office Action Review			0
64	11/04/2011		DVER	Document Verification			0
63	11/04/2011		IREV	Issue Revision Completed			0
62	11/04/2011		N/=.	Notice of Allowance Data Verification Completed			0
60	11/04/2011		EX.R	Reasons for Allowance			0
59	11/04/2011		EX.A	Examiner's Amendment Communication			0
58	11/04/2011		CNTA	Allowability Notice			0
61	11/03/2011		EXIE	Interview Summary - Examiner Initiated			0
52	04/14/2011		ABN9	Disposal for a RCE / CPA / R129			0
51	04/14/2011		FWDX	Date Forwarded to Examiner			0
53	04/11/2011		RCEX	Request for Continued Examination (RCE)			0
50	04/11/2011		AMSB	Amendment Submitted/Entered with Filing of CPA/RCE			0
49	04/11/2011		BRCE	Workflow - Request for RCE - Begin			0
48	04/06/2011		EML_NTR	Email Notification			0
47	04/06/2011		MCTAV	Mail Advisory Action (PTOL - 303)			0
46	03/31/2011		CTAV	Advisory Action (PTOL-303)			0
45	03/29/2011		FWDX	Date Forwarded to Examiner			0
44	03/25/2011		A.NE	Amendment after Final Rejection			0
43	01/27/2011		ELC_RVW	Electronic Review			0
42	01/27/2011		EML_NTF	Email Notification			0
41	01/27/2011		MCTFR	Mail Final Rejection (PTOL - 326)			0
40	01/25/2011		CTFR	Final Rejection			0
37	11/16/2010		FWDX	Date Forwarded to Examiner			0
39	11/11/2010		IDSC	Information Disclosure Statement considered			0
38	11/11/2010	11/11/2010	M844	Information Disclosure Statement (IDS) Filed			36
36	11/11/2010		A...	Response after Non-Final Action			0
35	11/11/2010		XT/G	Request for Extension of Time - Granted			0
34	11/11/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
32	10/12/2010		DOCK	Case Docketed to Examiner in GAU			0
31	09/14/2010		MFAIA	Mail First Action Interview Office Action			0
30	09/13/2010		FAIA	Pilot-First Action Interview Office Action (FAI Step 2)			0
29	09/08/2010		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
28	07/19/2010		FWDX	Date Forwarded to Examiner			0
27	07/16/2010		RPICO	Response to PICO-Request			0
26	07/16/2010		XT/G	Request for Extension of Time - Granted			0
25	06/07/2010	12/12/2008	MPICO	Mail Pre-Interview Communication	542		0.5
24	06/03/2010		PICO	Pre-Interview Communication (FAI Step 1)			0
22	05/11/2010		DOCK	Case Docketed to Examiner in GAU			0
21	05/07/2010		DOCK	Case Docketed to Examiner in GAU			0
20	11/30/2009		A.PE	Preliminary Amendment			0
19	11/30/2009		RFAI	Request for first action interview			0
23	11/25/2009		IDSC	Information Disclosure Statement considered			0
18	11/25/2009		RCAP	Reference capture on IDS			0
17	11/25/2009		M844	Information Disclosure Statement (IDS) Filed			0
16	11/25/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
13	04/07/2008		TI1050	Transfer Inquiry to GAU			0
12	03/06/2008		TI1050	Transfer Inquiry to GAU			0
11	02/11/2008		TI1050	Transfer Inquiry to GAU			0
10	02/01/2008		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
9	01/17/2008		OIPE	Application Dispatched from OIPE			0
8	10/31/2007		PGPC	Sent to Classification Contractor			0
7	10/31/2007		FLRCPT.O	Filing Receipt			0
5	10/22/2007		L128	Cleared by L&R (LARS)			0
4	10/18/2007		L198	Referred to Level 2 (LARS) by OIPE CSR			0
6	10/12/2007		NPRQ	PGPubs nonPub Request			0
3	10/12/2007		SCAN	IFW Scan & PACR Auto Security Review			0
2	10/12/2007		NPRQ	PGPubs nonPub Request			0
1	10/12/2007		IEXX	Initial Exam Team nn			0
0.5	10/12/2007		EFILE	Filing date			0

Export to: Excel

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SAP Global, IP c/o
Cooley, Godward Kronish, LLP
Attn: Patent Group
Suite 500
1200 – 19th Street, NW
Washington, DC 20036-2402

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Rodolphe Boixel et al.	:	
Application No. 11/871,952	:	DECISION ON PETITION
Filed: October 12, 2007	:	TO WITHDRAW
Attorney Docket No. 34874-692F01US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 17, 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 the change of correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

APR 08 2011

OFFICE OF PETITIONS

BUSINESS OBJECTS AMERICAS; BUSINESS OBJECTS S.A.
SAP AMERICA, INC.; BUSINESS OBJECTS SOFTWARE LTD.
BUSINESS OBJECTS DATA INTEGRATION, INC.
777 6TH STREET NW, SUITE 1100, ATTN: B. GALLIANI
WASHINGTON DC 20001

In re Application of	:	
JANZEN, et al	:	
Application No. 11/871,957	:	DECISION ON PETITION
Filed: October 12, 2007	:	TO WITHDRAW
Attorney Docket No. BOBJ-188/00US 304661-2417	:	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 17, 2011.

The request is **NOT APPROVED.**

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

Accordingly, since the change of correspondence address is not that of a new practitioner or law firm who has filed a proper power of attorney in the Office, the request to withdraw from record 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 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

COOLEY LLP
ATTN: PATENT GROUP
SUITE 1100
777 - 6TH STREET, NW
WASHINGTON, DC 20001

MAILED

MAY 05 2011

OFFICE OF PETITIONS

In re Application of	:	
Todd Russell Hanna, et al.	:	
Application No. 11/871,958	:	DECISION ON PETITION
Filed: October 12, 2007	:	TO WITHDRAW
Attorney Docket No. BOBJ-189/00US 304661-2424	:	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 March 11, 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: BUSINESS OBJECTS AMERICAS; BUSINESS OBJECTS SA
SAP AMERICA, INC.; BUSINESS OBJECTS SOFTWARE, LTD
BUSINESS OBJECTS DATA INTEGRATION, INC.
ATTN: B. GALLIANI
777 6TH STREET, SUITE 1100
WASHINGTON, DC 20001

UNITED STATES 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

APR 20 2011

OFFICE OF PETITIONS

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON, MA 02111

In re Application of	:	
DUMANT, et al	:	
Application No. 11/871,959	:	DECISION ON PETITION
Filed: October 12, 2007	:	TO WITHDRAW
Attorney Docket No. 34874-617F01US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 4, 2011.

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

A review of the file record indicates that the power of attorney to William S. Galliani and the attorneys associated with Customer No. 23419, has been revoked by the assignee of the patent application on April 7, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future correspondence from the Office will continued to be forwarded to the above-identified address until other properly notified.

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

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

cc: WILLIAM S. GALLIANI
777 SIXTH STREET NW, SUITE 1100
WASHINGTON DC 20001

cc: BUSINESS OBJECTS AMERICAS;
BUSINESS OBJECTS S.A.
SAP AMERICA, INC.;
BUSINESS OBJECTS SOFTWARE LTD.
BUSINESS OBJECTS DATA INTEGRATION, INC.
3580 CARMEL MOUNTAIN RD., SUITE 300
SAN DIEGO, CA 92130

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jellett Law, PS
Matthew Jellett, Esq.
910 Harris Ave
Suite A205
BELLINGHAM WA 98225

MAILED

MAR 22 2011

OFFICE OF PETITIONS

In re Application of

BROWN, Chris et al.
Application No. 11/871,995
Filed: October 13, 2007
Attorney Docket No. **P416694PAT**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 12, 2011.

The request is **APPROVED**.

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

The request was signed by Matthew Jellett, the sole attorney of record. Matthew Jellett has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Chris Brown 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: **HARRY PLATIS**
CEDAR VALLEY OFFICES
LYNNWOOD WA 98036

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 27, 2011

TO SPE OF : ART UNIT 2813

SUBJECT : Request for Certificate of Correction for Appl. No. 11/872083 patent No.:7871927 B2
C of C mailroom date:--04-27-11

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

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**.

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.

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

Comments: _____

/Matthew Landau/ 2813

SPE 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.
11/872,167	10/15/2007	Songping Yu	81160317	8355

36865 7590 11/29/2010
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER
MOHANDESI, IRAJ A

ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
11/29/2010	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

ALLEMAN HILL MCCOY RUSSEL &
TUTTLE, LLP
806 S.W. Broadway, Suite 600
Portland, OR 97205

In re Application of	:	
Songping et al.	:	DECISION ON PETITION
Application No. 11/872,167	:	
Filed: October 15, 2007	:	UNDER 37 C.F.R. § 1.103
Attorney Docket No. 81160317	:	

This is a decision on the Request for Deferral of Examination, filed January 2, 2009, requesting that the prosecution of the above-identified application be deferred under 37 C.F.R. § 1.103(d) for a period of 36 (thirty six) months from the earliest filing date.

The petition is GRANTED.

Deferral of Examination is governed by 37 C.F.R. § 1.103.

37 C.F.R. § 1.103(d) states as follows:

(d) Deferral of examination: On request of the applicant, the Office may grant a deferral of examination under the conditions specified in this paragraph for a period not extending beyond three years from the earliest filing date for which a benefit is claimed under title 35, United States Code. A request for deferral of examination under this paragraph must include the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i). A request for deferral of examination under this paragraph will not be granted unless:

(1) The application is an original utility or plant application filed under § 1.53(b) or resulting from entry of an international application into the national stage after compliance with § 1.495;

(2) The applicant has not filed a nonpublication request under § 1.213(a), or has filed a request under § 1.213(b) to rescind a previously filed nonpublication request;

(3) The application is in condition for publication as provided in § 1.211(c); and

(4) The Office has not issued either an Office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151.

The review of the application record indicates that all the conditions of 37 CFR 103(d) have been satisfied and as such the petition is GRANTED. Further, since 36 months have already expired on Oct 15, 2010, the case is forwarded to the Examiner to begin examination.

Any inquiry regarding this decision should be directed to T. C. Patel, SPE 2839, at (571) 272-2098.

John W. Cabeca, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

RECEIVED
CENTRAL FAX CENTER
JAN 02 2008

PTO/SB/21 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission: 3

Application Number	11/872,167
Filing Date	October 15, 2007
First Named Inventor	Songping Yu
Art Unit	2836
Examiner Name	N.A.
Attorney Docket Number	81160317

ENCLOSURES *(Check all that apply)*

- [ ] Fee Transmittal Form
  - [ ] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- [ ] Proprietary Information
- [ ] Status Letter
- [x] Other Enclosure(s) (please identify below):
  - -Request for Deferral of Examination (PTO/SB/37)

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Allaman Hall McCoy Russell & Tuttle LLP		
Signature			
Printed name	John D. Russell		
Date	January 2, 2008	Reg. No.	47,048

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Summer A. Santaban	Date	January 2, 2008

This collection of information is required by 37 CFR 1.5. 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 and1.14. This collection is estimated to 2 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.

RECEIVED
CENTRAL FAX CENTER
JAN 0 2 2008

PTO/SB/37 (10-07)
Approved for use through 10/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Request for Deferral of Examination 37 CFR 1.103(d)

Application Number	11/872,167	Art Unit	2836
Filing Date	October 15, 2007	Examiner Name	N.A.
First Named Inventor	Songping Yu	Attorney Docket Number	81160317

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

I hereby request deferral of examination under 37 CFR 1.103(d) for the above-identified (non-reissue) utility or plant application filed under 37 CFR 1.53(b) for a period of thirty-six (36) months (maximum 3 years), from the earliest filing date for which a benefit is claimed. Deferral of examination under 37 CFR 1.103(d) is suspension of action. As a result, any patent term adjustment may be reduced. See 37 CFR 1.704(c)(1).

Note: The request will not be granted unless the application is in condition for publication as provided in 37 CFR 1.211(c) and the Office has not issued either an Office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151.

If applicant previously filed a nonpublication request under 37 CFR 1.213(a):

☐ I hereby rescind under 37 CFR 1.213(b) the previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

Note: Application will be scheduled for publication at 18 months from the earliest claimed filing date for which a benefit is claimed.

Fees

a. ☑ The Director is hereby authorized to charge the following fees, or credit any overpayment, to Deposit Account No. 06-1510. I have enclosed a duplicate copy of this form for fee processing.

i. ☑ Processing fee set forth in 37 CFR 1.17(i) for request for deferral of examination.

ii. ☑ Publication fee set forth in 37 CFR 1.18(d).

iii. ☐ Other _____

b. ☐ Check in the amount of $ _____ is enclosed.

c. ☐ Payment by credit card (*Form PTO-2038 enclosed*).

WARNING: Information in this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Note: The publication fee set forth in 37CFR 1.18(d) and the processing fee in 37 CFR 1.17(i) for deferral of examination are required when the request of deferral of examination is filed.

Signature		Date	January 2, 2008
Name (Print/Type)	John D. Russell	Registration Number	47,048

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

☑ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.103(d). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

01/16/2009 JVONG1 00000028 11872167
01 FC:1808 130.00 DA
02 FC:1504 300.00 DA

01/16/2009 JVONG1 00000028 061510 11872167
01 FC:1808 130.00 DA
02 FC:1504 300.00 DA

RECEIVED
CENTRAL FAX CENTER
JAN 02 2008

COPY

PTO/SB/37 (10-07)
Approved for use through 10/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Request for Deferral of Examination 37 CFR 1.103(d)

Application Number	11/872,167	Art Unit	2836
Filing Date	October 15, 2007	Examiner Name	N.A.
First Named Inventor	Songping Yu	Attorney Docket Number	81160317

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

I hereby request deferral of examination under 37 CFR 1.103(d) for the above-identified (non-reissue) utility or plant application filed under 37 CFR 1.53(b) for a period of thirty-six (36) months (maximum 3 years), from the earliest filing date for which a benefit is claimed. Deferral of examination under 37 CFR 1.103(d) is suspension of action. As a result, any patent term adjustment may be reduced. See 37 CFR 1.704(c)(1).

Note. The request will not be granted unless the application is in condition for publication as provided in 37 CFR 1.211(c) and the Office has not issued either an Office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151.

If applicant previously filed a nonpublication request under 37 CFR 1.213(a):

☐ I hereby rescind under 37 CFR 1.213(b) the previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

Note: Application will be scheduled for publication at 18 months from the earliest claimed filing date for which a benefit is claimed.

Fees

a. ☑ The Director is hereby authorized to charge the following fees, or credit any overpayment, to Deposit Account No. 06-1510. I have enclosed a duplicate copy of this form for fee processing.

i. ☑ Processing fee set forth in 37 CFR 1.17(i) for request for deferral of examination.

ii. ☑ Publication fee set forth in 37 CFR 1.18(d).

iii. ☐ Other _____

b. ☐ Check in the amount of $ _____ is enclosed.

c. ☐ Payment by credit card (*Form PTO-2038 enclosed*).

WARNING: Information in this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Note: The publication fee set forth in 37CFR 1.18(d) and the processing fee in 37 CFR 1.17(i) for deferral of examination are required when the request of deferral of examination is filed.

Signature		Date	January 2, 2008
Name (Print/Typed)	John D. Russell	Registration Number	47,048

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

☑ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.103(d). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCCORMICK, PAULDING & HUBER LLP
CITY PLACE II
185 ASYLUM STREET
HARTFORD CT 06103

MAILED
MAR 05 2012
OFFICE OF PETITIONS

In re Application of	:	
Peter Schreiber	:	
Application No.: 11/872223	:	DECISION ON
Filing or 371(c) Date: 10/15/2007	:	PETITION
Attorney Docket Number: 2821-0240	:	

This is a decision in response to the petition to withdraw holding of abandonment, filed January 24, 2012. The petition is properly treated under 37 C.F.R. 1.181.

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 Notice of Allowability ("Notice"), mailed September 20, 2011. The Notice required corrected drawings, and set a non-extendable three (3) month period for reply. Applicant filed a reply to the Notice on December 16, 2011, along with the issue fee. However, the reply did not include corrected drawings. No complete and proper reply having been received, the application became abandoned December 21, 2011.

Petitioner files the present petition and avers that drawings filed August 16, 2010, were filed in response to an Office action mailed April 15, 2010, and were accepted by the Examiner. Petitioner provides that in the Notice of Allowability, it was indicated that corrected drawings were required in response to the Office action mailed April 15, 2010. However, petitioner avers, corrected drawings were submitted in response to the April 15, 2010 Office action on August 16, 2010, and as such, the Notice of Abandonment was issued in error. Accordingly, petitioner requests withdrawal of the holding of abandonment.

Applicable Law, Rules and MPEP

35 U.S.C. § 133, Time for prosecuting application, states

> Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.

This section of the statute is further clarified in Office rule, 37 CFR § 1.135, Abandonment for failure to reply within time period, which states

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
> (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

This section explains that the reply must be both complete and proper as the condition of the application may require.

Analysis

Applicant is advised an application becomes abandoned according to statute and Office rules. In this instance, Applicant was required to file a complete and proper reply to the Notice mailed on September 20, 2011. It is Applicant's responsibility to file a complete and proper reply to the application as the condition of the application requires. Here, Applicant was required to submit corrected drawings. Applicant failed to file corrected drawings.

Applicant is advised that, as provided in the Manual of Patent Examining Procedure,

> [w]here an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. **Where there is no dispute as to whether an application is**

abandoned (e.g., the applicant's contentions merely involve the cause of abandonment), a petition under 37 CFR 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

MPEP 711.03(c).

Conclusion

In this instance there is no disagreement as to the sufficiency of the reply, or as to controlling dates: no drawings in reply to the Notice were filed in the period set for the reply. The application is properly held abandoned.

In view of the foregoing, the petition is dismissed.

Alternate Venue

Applicant is strongly urged to file 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 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 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

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

MCCORMICK, PAULDING & HUBER LLP
CITY PLACE II
185 ASYLUM STREET
HARTFORD CT 06103

MAILED

APR 16 2012

OFFICE OF PETITIONS

In re Application of	:	
Peter Schreiber	:	
Application No.: 11/872223	:	DECISION ON
Filing or 371(c) Date: 10/15/2007	:	PETITION
Attorney Docket Number: 2821-0240	:	

This is a decision on the renewed Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed March 14, 2012, and supplemented March 26, 2012.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowability ("Notice"), mailed September 20, 2011. The Notice required corrected drawings, and set a non-extendable three (3) month period for reply. Applicant filed a reply to the Notice on December 16, 2011, along with the issue fee. However, the reply did not include corrected drawings. No complete and proper reply having been received, the application became abandoned December 21, 2011.

The renewed petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that it includes (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

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

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
www.uspto.gov

INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET, SUITE 4000
MINNEAPOLIS MN 55402

MAILED
NOV 22 2010
OFFICE OF PETITIONS

In re Application of

OEHLKE, Shawn L. et al.
Application No. 11/872,419
Filed: October 15, 2007
Attorney Docket No. **51431.3.1**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 08, 2010.

The request is **NOT APPROVED.**

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

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

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

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.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **SEO PRECISON, LLC**
PO BOX 100
204 MAIN STREET
SHERWOOD ND 58782

UNITED STATES PATENT AND TRADEMARK OFFICE

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

INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET, SUITE 4000
MINNEAPOLIS MN 55402

MAILED

JAN 11 2011

OFFICE OF PETITIONS

In re Application of :

OEHLKE, Shawn L. et al. :
Application No. 11/872,419 : DECISION ON PETITION
Filed: October 15, 2007 : TO WITHDRAW
Attorney Docket No. **51431.3.1** : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 13, 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 Natalie Kadievitch on behalf of all attorneys of record who are associated with customer No. 22859. All attorneys/agents associated with the Customer Number 22859 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **SEO PRECISION, LLC**
P.O. BOX 100
204 MAIN STREET
SHERWOOD ND 58782

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120411

DATE : August 06, 2010

TO SPE OF : ART UNIT 1643

SUBJECT : Request for Certificate of Correction on Patent No.: 7,741,447

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:

/MISOOK YU/
Supervisory Patent Examiner.Art Unit 1642

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WADDEY & PATTERSON, P.C.
1600 DIVISION STREET, SUITE 500
NASHVILLE TN 37203

MAILED

DEC 02 2010

OFFICE OF PETITIONS

In re Application of	:	
C. Alex TOUCHSTONE	:	
Application No. 11/872,491	:	DECISION ON PETITION
Filed: October 15, 2007	:	
Attorney Docket No. N4141	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 08, 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 22, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed July 22, 2010. Accordingly, the date of abandonment of this application is October 23, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755.00 and the publication fee of $300.00, (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fee payments are accepted as having been unintentionally delayed.

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) 272-4231.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

MAILED
MAY 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Takahiro Onsen	:	
Application No. 11/872,531	:	DECISION ON PETITION
Filed: October 15, 2007	:	
Atty. Docket No. 00862.138283.	:	

This is a decision on the petition, filed March 10, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

The application was held to have gone abandoned for failure to reply in a timely manner to the Final Office action mailed, May 24, 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. A Notice of Abandonment was mailed February 10, 2011.

The petitioner states that a reply to the Final Office action was filed August 24, 2010. Petitioner requests that that the finality of the May 24, 2010 Office Action be withdrawn, that the August 24, 2010 Amendment be entered as a proper response to the May 24, 2010 Office Action, and that an action on the merits in reply to the August 24, 2010 Amendment be issued. The request to withdraw the finality of the May 24, 2010 was considered by the examiner in the Advisory action mailed September 15, 2010. Examiner indicated therein that he was not persuaded to withdraw the finality as requested. Petitioner's remarks in instant petition on the interviews with the Office personnel concerning this application have been noted. However, petitioner should 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). As the reply filed August 24, 2010, was not deemed to be a proper reply under 37 CFR 1.113 to the final Office action, and no subsequent proper reply was timely filed, the application became abandoned, by law, on August 25, 2010.

Accordingly, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $1,620 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

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

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

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

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of :
Takahiro Onen :
Application No. 11/872,531 : ON PETITION
Filed: October 15, 2007 :
Attorney Docket No. 00862.138283. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 16, 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 May 24, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is August 25, 2010. The Notice of Abandonment was mailed February 10, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1,620; 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 2454 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

MAILED
JUN 17 2011
OFFICE OF PETITIONS

HOLLAND & KNIGHT LLP
2099 PENNSYLVANIA AVE
SUITE 100
WASHNGTON DC 20006

In re Application of	:	
ZHOU, et al	:	
Application No. 11/872,553	:	ON PETITION
Filed: October 15, 2007	:	
Attorney Docket No. 109343-00020	:	

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

The petition is **DISMISSED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of January 6, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). *See* MPEP 711.03(c)(III)(A)(2). Since the amendment submitted does not *prima facie* place the application in condition for allowance (see attached Advisory Action), the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b).

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

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

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

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

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

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

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

Attachment: Advisory Action

Advisory Action Before the Filing of an Appeal Brief	Application No. 11/872,553	Applicant(s) ZHOU ET AL.	
	Examiner PATRICIA MALLARI	Art Unit 3735	

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

THE REPLY FILED 08 April 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____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: *No changes were made to the claims; see #11 below.*. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

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

/Patricia C. Mallari/
Primary Examiner, Art Unit 3735

Continuation of 11. does NOT place the application in condition for allowance because: The terminal disclaimer filed 6/3/11 was not approved because the person who signed the terminal disclaimer does not have power of atttorney and, therefore, is not of record. An attorney or agent, not of record, is not authorized to sign a terminal disclaimer in the capacity as an attorney or agent acting in a representative capacity as provided by 37 CFR 1.34 (a). See 37 CFR 1.321(b) and/or (c). Therefore, the double patenting rejection stands.

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.
11/872,568	10/15/2007	Willy Delcersnijder	011091.51109D4	9094

23911 7590 08/10/2011
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER
SWOPE, SHERIDAN

ART UNIT	PAPER NUMBER
1652	

MAIL DATE	DELIVERY MODE
08/10/2011	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.

AUG 1 0 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

J. D. Evans
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

In re Application of	:
Deleersnijder	:Decision on Petition
Serial No.: 11/872,568	:
Filed : 15 October 2007	:
Attorney Docket No.: 011091.51109D4	:

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 3 June 2011 requesting reconsideration of the restriction requirement mailed 7 January 2010.

BACKGROUND

This application was filed as a national application under 35 U.S.C. 111(a) and as such is entitled to restriction practice under Chapter 800.

On 7 January 2010, the examiner set forth a restriction requirement which divided claim 1 into 3 groups and required two further elections of species.

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

   I. Claim 1, in part, drawn to a method of assessing a disease using nucleic acid sequence mutation analysis, classified in class 435, subclass 6.

   II. Claim 1, in part, drawn to a method of assessing a disease using analysis of polypeptide expression, classified in class 435, subclass 7.1.

   III. Claim 1, in part, as it requires methods requiring both analysis of nucleic acid sequence mutation and analysis of polypeptide expression, classified in class 435, subclass 6 & 7.1.

If any of Inventions I-III is elected, elect one of:
One specific disease encompassed by the elected Invention.

If any of Inventions I-III is elected, elect one of:
One specific sequence (SEQ ID NO: 2, 4, or 6) encompassed by the elected Invention.

On 7 May 2010, applicants filed an amendment which "makes the restriction requirement between Groups I-III moot" and added to dependent claims. Applicants elected Group II, without traverse. Applicants elected pulmonary hypertension without traverse. Applicants elected SEQ ID NO 2 with traverse.

On 30 June 2010, the examiner mailed to applicants a non-final Office action in which the traversal was considered, and the requirement was made final. No claims were withdrawn from consideration under 37 CFR 1.142(b) as being directed to non-elected subject matter. Claims 1-3 were examined on the merits. All claims were provisionally objected to for encompassing non-elected subject matter. All claims were rejected under 35 U.S.C. 112 and 35 U.S.C. 101.

On 30 December 2010, applicants filed a response to the Office action.

On 4 February 2011, the examiner mailed to applicants a final Office action in which claims 1-3 were rejected and claims 1-3 were "provisionally objected to for encompassing non-elected subject matter."

On 3 June 2011, applicants filed an after final amendment and this petition.

DISCUSSION

The file history and petition have been considered carefully.

The petition points out that the examiner has required an election of species amongst sequences of SEQ ID NO 2, 4 and 6. These sequences are recited in the alternative of the Markush claim 1. Because applicant's claims are drafted in Markush-type format, the petition argues that they should be considered under the guidelines of MPEP 803.02. This is persuasive.

MPEP 803.02 states that

> "If the members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner must examine all the members of the Markush group in the claim on the merits, even though they may be directed to independent and distinct inventions."

In this instance, the number of sequences recited is few in number (only three). Also in this instance, the sequences are closely related. A review of the sequence alignment applicants provides on page 6 of the petition shows that elected SEQ ID No 2, (for which no prior art

rejection has been made) is contained within each of SEQ ID NO 1 and 3. Here, it would not present a serious burden to concurrently examine three nested sequences which contain a common subsequence that the examiner has already searched and examined on the merits.

Lastly, it is noted that the examiner has objected to claims for reciting non-elected subject matter. This is counter to MPEP 803.02, which permits applicants to retain non-elected subject recited in the alternative of a Markush claim. It is noted that MPEP 809 also permits generic claims to encompass non-elected species.

DECISION

For these reasons, the petition filed under 37 CFR 1.144 on 3 June 2011 is **GRANTED** as follows.

The intra-claim restriction requirements have been withdrawn and replaced with an election of species requirement. The Claims are rejoined into two groups, reciting original claim numbers, as follows:

The objection to claims 1-3 for reciting non-elected subject matter with withdrawn.

The application will be forwarded to the examiner to consider the papers filed 3 June 2011 in a manner consistent with this petition decision. SEQ ID NO 1, 2 and 3 are to be examined together according to the guidance in MPEP 803.02.

Should there be any questions regarding this decision, please Supervisory Patent Examiner Zachariah Lucas 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.

George C. Elliott

George Elliott
Director, 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
www.uspto.gov

KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

AUG 02 2011

OFFICE OF PETITIONS

In re Application of	:	
Robert Guziak, et al.	:	
Application No. 11/872,596	:	DECISION ON PETITION
Filed: October 15, 2007	:	TO WITHDRAW
Attorney Docket No. 028242-008100US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 12, 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 David A. Hall on behalf of all attorneys of record who are associated with customer No. 20350. All attorneys/agents associated with the Customer Number 20350 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

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

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

cc: KAVLICO CORPORATION
14401 PRINCETON AVENUE
MOORPARK, CA 93021

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
11/872,596	10/15/2007	Robert GUZIAK	028242-008100US

CONFIRMATION NO. 9165

POWER OF ATTORNEY NOTICE

20350
KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

OC000000049062865

Date Mailed: 08/01/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/12/2011.

- 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05/05/11

TO SPE OF : ART UNIT: 2836 Attn: FUREMAN JARED (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/872598 Patent No.: 7906870

C of C Mailroom date: 04/29/11

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

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: _____

_____

_____

/Jared Fureman/ 2836

SPE 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.
11/872,654	10/15/2007	Chauncey J. Rinard	213899-09	9272

7590 09/20/2011

Philip D. Freedman PC
1449 Drake Lane
Lancaster, PA 17601

EXAMINER
MOORE, MARGARET G

ART UNIT	PAPER NUMBER
1765	

MAIL DATE	DELIVERY MODE
09/20/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

wk

Mailed: 9/20/11

In re application of
Rinard et al.
Serial No. 11/872,654
Filed: October 15, 2007
For: **SELECTING CATALYST AND CONDITIONS**

DECISION ON PETITION

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on September 6, 2011 to withdraw the Finality of the Office Action mailed August 5, 2011.

Based on the office action summary sheet, the March 15, 2001 Non-Final Office Action rejected claims 1, 42, 82-85, 88, 91-97, 99, 100, 102, 106 and 107. The Office Action contained rejections under 35 USC 103(a) and non-statutory double patenting. In the 103 rejection, the Examiner made reference to claims 103-105 and why they would be obvious over the art of record. Claims 103-105 were further rejected under double patenting rejections.

Based on the office action summary sheet, the August 5, 2011 Final Office Action rejected claims 1, 42, 82-85, 88, 91 to 97, 99, 100,102, 106 and 107. The Examiner further indicated in the body of the rejection relating to the 103 rejection that claim 104 was not listed in the rejected claims list but pointed out where in the previous office action the limitation of claim 104 was considered.

Applicant asserts that the March 15, Office Action did not reject claims 92 and 103 to 105 under 35 USC 103(a). A review of the record indicated that claim 92 was never addressed in the 103 rejection but was rejected under double patenting.

Under present practice, second or any subsequent actions on the merits shall be final, except where the Examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, 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). The Final Office action did not introduce a new ground for rejection. The Finality was proper.

Under 37 CFR 41.31(a) (1), an applicant for a patent dissatisfied with the primary examiner's decision in the second rejection of his or her claims may appeal to the Board for review of the examiner's rejection by filing a notice of appeal and the required fee set forth in 37 CFR 41.20(b) (1) within the time period provided under 37 CFR 1.134 and 1.136.

DECISION

The petition is **DENIED**.

The period for response continues to run from the mail date of the final rejection (8/05/11).

/Yvonne Eyler/
Director, Technology Center 1700
Chemical and Materials Engineering

Philip D. Freedman PC
1449 Drake Lane
Lancaster PA 17601

Best Available Copy

Best Available Copy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BC

Mailed: [redacted] 01/06/2012

In re application of	:	
Chauncey J. Rinard et al.	:	DECISION ON
~~Serial No. 11/872,654~~	:	~~PETITION~~
Filed: October 15, 2007	:	
For: SELECTING CATALYST AND CONDITIONS	:	

This is a decision on: (1) the REQUEST FOR RECONSIDERATION filed on November 02, 2011 of the September 20, 2011 DENIAL of Applicant's September 06, 2011 PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE FINALITY OF THE OFFICE ACTION mailed August 05, 2011 and (2) the PETITION UNDER 37 CRF 1.181 to direct the Supervisory Primary Examiner to respond to Applicants' October 13, 2011 amendment after final rejection.

(1) REQUEST FOR RECONSIDERATION filed on November 02, 2011 of the September 20, 2011 DENIAL of Applicant's September 06, 2011 PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE FINALITY OF THE OFFICE ACTION mailed August 05, 2011.

On March 15, 2011, a non-final office action was mailed to the Applicants, containing three provisional obviousness-type double patenting rejections and a single prior art rejection under 35 USC 103. Pending claims 92 and 103-105 were not included in the prior art rejection. Applicants responded to this office action with an amendment filed on May 22, 2011, which incorporated the subject matter of claims 104 and 92 into the independent claims 1 and 42, respectively. A final rejection was then mailed on August 05, 2011[1].

On September 06, 2011, a PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE FINALITY OF THE OFFICE ACTION mailed August 05, 2011 was filed. A decision denying this petition was mailed on September 20, 2011.

The present petition, which requests reconsideration of the September 20, 2011 decision, was timely filed on November 02, 2011.

Petitioner's requests reconsideration of the denial of the withdrawal of the finality for the following reasons:
(1) The correct remedy for the Patent Office's error of failing to address a claims is not a final rejection.
(2) The petition decision of September 20, 2011 erred by adopting the examiner's "full reading" of "rationale" as opposed to applying the "complete examination" requirement set forth in 37 CFR 1.104(c)(2).

[1] It is noted that the Final Rejection failed to address claims 92, 108 and 109 in the prior art rejections and were not indicated as being allowable.

Best Available Copy

Best Available Copy

DECISION

Section 706.07 of the MPEP states "[b]efore final rejection is in order a clear issue should be developed between the examiner and applicant."

Section 706.07 of the MPEP states:

Before final rejection is in order a clear issue should be developed between the examiner and applicant.

706.07(a) Final Rejection, When Proper on Second Action

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims 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).

37 CFR 1.104 states:

(b) Completeness of examiner 's action. **The examiner 's action will be complete as to all matters**, except that in appropriate circumstances, such as misjoinder of invention, fundamental defects in the application, and the like, the action of the examiner may be limited to such matters before further action is made. However, matters of form need not be raised by the examiner until a claim is found allowable.

(c) Rejection of claims .

(1) If the invention is not considered patentable, or not considered patentable as claimed, the claims, or those considered unpatentable will be rejected.

(2) In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified. (Emphasis added).

The record is quite clear that the March 15, 2011 office action failed to address claims 92 and 103-105 in the prior art rejections[2]. In the May 22, 2011 response, the applicants amended the independent claims 1 and 42 by incorporating the subject matter of claims 104 and 92, respectively. The May 22, 2011 response did not contain any arguments with regard to the prior art rejection, i.e. the applicant was amending the claims to incorporate the non-rejected, which were presumably allowable, limitations of dependent claims 92 and 104 into independent form. The issuance of a final rejection on August 05, 2011 in response to the May 22, 2011 response is deemed to be improper for the following two reasons: (1) no clear issue was developed between the examiner and the applicants as required by MPEP 706.07; and (2) the examiner's action in both the non-final rejection of March 15, 2011 and final rejection of August 05, 2011 was not complete in all matters as required by 37 CFR 1.104. Specifically, the record was not clear after the March 15, 2011 as to what, if any, claims were deemed to be allowable. And, the record is not clear now after the mailing of the final rejection on August 05, 2011 which, if any, claims are allowable, as the final rejection did not address pending claims 92, 108 and 109 in prior art rejection and claims 108 and 109 are not addressed on the office action cover sheet.

---

[2] Additionally, both the March 15, 2011 and August 05, 2011 office actions included provisional obviousness-type double patent rejections over canceled claims 86 and 87.

Best Available Copy

Best Available Copy

Accordingly, the petition for withdrawal of finality is **GRANTED.** The amendment filed on October 13, 2011 will be entered and an office action on the merits will follow in due course. It is noted that the amendment of October 13, 2011 incorporates the limitation of unaddressed claim 92 into claim 1. Accordingly, the next office action cannot be made final.

(2) PETITION UNDER 37 CRF 1.181 to direct the Supervisory Primary Examiner to respond to Applicants' October 13, 2011 amendment after final rejection.

As summarized above, a final rejection was mailed in the present application on August 05, 2011. Terminal disclaimers were subsequently filed on September 06, 2011 and have been approved and entered. On October 13, 2011, the Applicants filed an amendment after-final rejection under 37 CRF 1.116. On October 18, 2011, the examiner mailed an Advisory Action that indicated that the [provisional obviousness-type] double patenting rejections set forth in the final rejection are withdrawn. However, the no mention was made as to whether the after-final amendment was entered or not. The arguments submitted on October 13, 2011 were dismissed as not persuasive in the Advisory Action.

In view of the decision above (1), the Petition to respond to the October 13, 2011 after-final amendment is deemed to be moot. Accordingly, this part of the petition is **DISMISSED-AS-MOOT.**

/Yvonne Eyler/
Director, Technology Center 1700
Chemical and Materials Engineering

Philip D. Freedman PC
1449 Drake Lane
Lancaster PA 17601

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/08/10

TO SPE OF : ART UNIT 2886

SUBJECT : Request for Certificate of Correction for Appl. No.: 11872656 Patent No.: 7808623

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: _____

_____

_____

_____

_____

SPE — 2886 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

Steve McDaniel, Reg. Patent Agent
UTAH VALLEY PATENT SERVICES, LLC
846 S. 1350 E.
PROVO UT 84606

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of
Thomas Jeffrey Purdy et al.
Application No. 11/872,691
Filed: October 15, 2007
Attorney Docket No. **3503-01**

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 5, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of January 12, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is May 13, 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 Amendment and Request for Continued Examination (RCE) filed on May 27, 2010 and fee of $405 filed on July 19, 2010, 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) 272-4584.

This application is being referred to Technology Center AU 2458 for processing of the Amendment/RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PERKINS COIE LLP
P.O. Box 1208
Seattle, WA 98111-1208

MAILED
DEC 01 2010
OFFICE OF PETITIONS

In re Application of	:	
Saied Ansari, et al.	:	
Application No. 11/872,700	:	DECISION ON PETITION
Filed: October 15, 2007	:	TO WITHDRAW
Attorney Docket No. SLA1986	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 2, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Jordan M. Becker on behalf of all attorneys 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 August 5, 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: **Quantenna Communications, Inc.**
3450 W. Warren Avenue
Freemont, CA 94538

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
11/872,700	10/15/2007	Saied Ansari	63832-8005.US01

CONFIRMATION NO. 9358

POWER OF ATTORNEY NOTICE

22918
PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

OC000000044739870

Date Mailed: 12/01/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/02/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/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
Alexandria, VA 22313-1450
www.uspto.gov

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
379 Lytton Avenue
Palo Alto, CA 94301

MAILED

JAN 03 2012

OFFICE OF PETITIONS

In re Application of	:	
Saied Ansari, et al.	:	
Application No. 11/872,700	:	DECISION ON PETITION
Filed: October 15, 2007	:	TO WITHDRAW
Attorney Docket No. 25DX-158720	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 21, 2011.

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

A review of the file record indicates that the power of attorney to Sheppard, Mullin, Richter & Hampton LLP has been revoked by the assignee of the patent application on October 24, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **IP CREATORS**
P.O. 2789
Cupertino, CA 95015

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/10/11

TO SPE OF : ART UNIT 2163

SUBJECT : Request for Certificate of Correction for Appl. No.: 11872703 Patent No.: 7865477

CofC mailroom date: 05/05/11

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 571-270-9990

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: The Specification filed 03/30/2010 (REDLINED SPECIFICATION contains markup with 65 pages total; and its REPLACEMENT SPECIFICATION without markup with 63 pages total) is approved.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/td/

SPE Don Wong **Art Unit** 2163

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,
L.L.P.
20333 SH 249 6th Floor
HOUSTON TX 77070

MAILED
MAY 24 2011
OFFICE OF PETITIONS

In re Application of	:	
Johan Eriksson et al.	:	
Application No. 11/872,785	:	DECISION ON PETITION
Filed: October 16, 2007	:	TO WITHDRAW
Attorney Docket No. **149-0175USC**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 16, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that Coe F. Miles or any attorneys/agents associated with Customer Number 29855 does not have power of attorney or was ever given power of attorney in the above-identified application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

According to our records the Customer Number has been listed as the Representative Information in the application data sheet. However, providing the information in the application data sheet does not constitute as a power of attorney in the application. ***See 37 CFR § 1.76(b)(4)***.

All future communications from the Office will continue to be directed to the address of record until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

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
www.uspto.gov

KAMRATH & ASSOCIATES P.A.
4825 OLSON MEMORIAL HIGHWAY
SUITE 245
GOLDEN VALLEY MN 55422

MAILED

JUL 07 2011

OFFICE OF PETITIONS

In re Application of	:	
Wangeby et al.	:	
Application No. 11/872820	:	
Filing or 371(c) Date: 10/16/2007	:	ON PETITION
Attorney Docket Number: 20060925.ORI	:	

This is a decision on the petition to revive the application under the unintentional provisions of 37 CFR 1.137(b), filed May 12, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed November 10, 2010. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on February 11, 2011.

Applicant files the present petition and includes an Amendment in response to the Office action. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

The application is being referred to Technology Center Art Unit 3782 for processing of the Amendment/reply filed with the petition in due course.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/26/10

TO SPE OF : ART UNIT 1625 Andres Janet (spe)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/872886 Patent No.: 7696205

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-A
Palm Location 7580

Certificates of Correction Branch
703-756-1571 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

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

Comments: _____

/Janet L. Andres/
SPE

1625
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

HOLME ROBERTS & OWEN, LLP
1700 LINCOLN STREET
SUITE 4100
DENVER, CO 80203

MAILED
SEP 09 2010
OFFICE OF PETITIONS

In re Application of	:	
Ronald W. Gumbs	:	
Application No. 11/873,013	:	DECISION ON PETITION
Filed: October 16, 2007	:	TO WITHDRAW FROM
Attorney Docket No. 142-10600.US	:	RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40, filed June 22, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that the power of attorney to Customer Number 79362 has been revoked by the assignee of the above application on July 12, 2010 and July 13, 2010. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is moot.

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

This application file is being referred to Technology Center Art Unit 1796, to await a response to the outstanding Office action mailed April 15, 2010.

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

Andrea Smith
Petitions Examiner
Office of Petitions

cc: The Law Office of Jane K. Babin,
Professional Corporation
C/O Intellevate
P.O. Box 52050
Minneapolis, MN 55402

UNITED STATES PATENT AND TRADEMARK OFFICE

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

October 11, 2011

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of	:	
Kim, In-Ji, et al	:	**DECISION ON PETITION**
Application No. 11/873,042	:	
Filed: 10/16/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 1907.1271	:	***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)April 4, 2008.

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.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

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.
11/873,065	10/16/2007	Stefan OBERBOERSCH	029310.58376US	9965

23911 7590 02/13/2012
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER
CHANG, CELIA C

ART UNIT	PAPER NUMBER
1625	

NOTIFICATION DATE	DELIVERY MODE
02/13/2012	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):

edocket@crowell.com
tche@crowell.com
maellyn1@aol.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

FEB 13 2012

J. D. Evans
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

In re Application of	:
Oberboersch et al	:
Serial No.: 11/873,065	:Decision on Petition
Filed: 16 October 2007	:
Attorney Docket No.: 029310.58376US	:

This letter is in response to the Petition filed on 2 February 2012 requesting withdraw of finality of the Office action mailed 25 August 2011. This petition is timely filed with two months of the advisory action in which the examiner maintained finality. There is no fee required for this type of petition.

BACKGROUND

This application was filed as a national application under 35 U.S.C. 111(a) and as such is entitled to reconsideration under restriction practice described in MPEP Chapter 800.

On 4 November 2010, the examiner prepared a restriction requirement, dividing Claims 1-25 into five groups, which were then divided into further subdivisions. The examiner also required an election of species.

On 3 February 2011, applicants elected Group I(ii) along with the Species of Example 3.

On 11 April 2011, the examiner mailed to applicants an Office action in which Claims 8, 9, 15, 16 and 23-25 and the remaining scope of claims 1-7, 10-14 and 17-22 were withdrawn from consideration pursuant to 37 CFR 1.142(b), as being drawn to a non-elected invention, there being no allowable generic or linking claim. Claim 22 was rejected under 35 U.S.C. 112, 2nd paragraph for indefiniteness. Claims 1-7, 10-14 and 17- 22 were indicated as objected to on the PTO-326 form. The PTO 326 form indicated that this action was a non-final action AND that this action was an Ex parte Quayle action closing prosecution except for formal matters. The

application was indicated as being in condition for allowance expect for the following formal matters: the deletion of the nonelected claims and the nonelected subject matter from the pending claims and the correction of the 112 issues.

On 13 June 2011, applicants filed a response and amended the claims as follows:

- Claim 1: replaced the term "derivative" with "compound,"
- Claims 1, 4, 15, and 16, some options for variables were removed,
- Claims 8, 10-11 were cancelled,
- Claim 19 was written in dependent form and in
- Claim 22, the term "pharmaceutical" was deleted from the preamble.

On 25 August 2011, the examiner indicated that applicants declined the allowability based on the species election and then re-opened prosecution. The examiner then prepared a final Office action in which claims 9, 15-16, 23-25 were withdrawn from consideration as being directed to non-elected subject matter. Claim 22 was rejected under 35 U.S.C. 112, 2nd paragraph for being indefinite. Claims 1-7, 12-14 and 17-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al (cited on the PTO 892 form attached to the previous Office action). The examiner indicated that applicant's amendment and decline necessitated the new grounds of rejection. The Office action was then made final.

On 25 January 2012, applicants filed an amendment to remove alternatives from Claims 1, 4, 7 and 14 and to cancel Claim 5.

On 1 February 2012, the examiner prepared an advisory action stating that the amendment would not be entered and that the amendment contains new matter. The examiner indicated that the argument with respect to the obviousness of the Carter '844 reference has no impact because the Carter reference is to document the propriety of the restriction when the species is beyond R1 is pyridyl, such core has a different utility.

On 2 February 2012, applicants filed this petition.

DISCUSSION

The file history and petition have been considered carefully.

Upon review of the file, it was noted that the restriction requirement set forth groupings in a manner counter to MPEP 803.02 and the 76 Fed Reg 7162, 7166 (2011).

The Examiner divided the claims into groups, in part, based upon alternatives of a Markush claim, and then, upon indication of allowable subject matter, failed to further examination the claims. See, for example, the division of dependent Claim 11, based upon limitations recited in independent Claim 1:

11. A compound according to claim 1, wherein p represents 1.

I. Claim 11, drawn to compounds of formula I wherein p=1, piperidinyl compounds. If this group is elected, a further election of a single disclosed core of multiple ring system or single ring system i.e.

i) is a ring, compounds with multiple ring system i.e. piperidine + another ring system, classified in class 546, subclass various, depending on species election. If this group is elected, a further election of a single disclosed species is also required.

ii) R6-N-Q does not form rings i.e. R6 and Q are independent substituents, i.e. single piperidinyl ring core classified in class 546 subclass 225+. If this group is elected, a further election of a single disclosed species is also required.

Upon election of group I(i) or I(ii), claims 1-10, 12-22 reading on the elected core can be prosecuted together with the election to the extend of the election.

Maintaining this type of intraclaim restriction would be counter to MPEP 803.02 and the 9 February 2011 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 the petition, these guidelines published on 9 February 2011 and the guidance in MPEP 803.02, the restriction requirement has been withdrawn is replaced with a provisional election of species requirement.

Turning now to the finality of the Office action mailed 25 August 2011, MPEP 706.06 sets forth the criteria for making an Office action final on second Office action. In short, an Office action containing a new grounds of rejection may be made final if it: (1) relied upon prior art submitted in a later filed Information Disclosure Statement (IDS), (2) arose from a response concerning a Joint Research Agreement or (3) was prompted by an amendment to the claims.

Here, Claims 1-7, 12-14 and 17-22, were rejected for the first time in a final Office action under 35 U.S.C. 103(a) as being unpatentable over Carter et al. This would be considered a new ground of rejection because the claims had not been rejected in previous Office actions. A review of the file shows that the prior art provided by the examiner and relied upon in the final Office action (Carter) had not been submitted by applicants in a later-filed IDS. Carter was cited by the examiner in the Office action mailed 11 April 2011, however it had not been applied under 35 U.S.C. 103(a) at that time. The rejection was not prompted by an amendment because the changes to Claim 1 made to on 13 June 2011 narrowed the scope of the claims, by replacing "derivative" with "compound" and removing some of the variable options.

No response made under a Joint Research Agreement was present to have justified a final rejection. For these reasons, the finality of the Office action mailed 25 August 2011 is premature.

DECISION

The petition filed on 2 February 2012 is **GRANTED** as follows.

The restriction requirement made between the product and process claims has been maintained, pending allowability of the all the product claims.

The restriction requirement made amongst the product inventions of Groups I(i), I(ii), II(i), II(ii), III(i) and III(ii) has been withdrawn and reformatted as a provisional election of species requirement.

The finality of the Office action mailed 25 August 2011 has been withdrawn as premature.

The amendment filed 25 January 2012 has been entered.

The application will be forwarded to the examiner's amended docket for consideration of the papers filed 25 January 2012 and for preparation of an Office action consistent with this decision. 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.

Dan Sullivan
(Acting) 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.
11/873,065	10/16/2007	Stefan OBERBOERSCH	029310.58376US	9965

23911 7590 03/01/2012
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER
CHANG, CELIA C

ART UNIT	PAPER NUMBER
1625	

NOTIFICATION DATE	DELIVERY MODE
03/01/2012	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):

edocket@crowell.com
tche@crowell.com
maellyn1@aol.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

MAR 0 1 2012

J. D. Evans
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

In re Application of	:
Oberboersch et al	:
Serial No.: 11/873,065	:Corrected Decision on Petition
Filed: 16 October 2007	:
Attorney Docket No.: 029310.58376US	:

This letter is sent to correct the Petition Decision mailed 13 February 2012. That decision was in response to the Petition filed on 2 February 2012 requesting withdraw of finality of the Office action mailed 25 August 2011. This petition is timely filed with two months of the advisory action in which the examiner maintained finality. There is no fee required for this type of petition.

BACKGROUND

This application was filed as a national application under 35 U.S.C. 111(a) and as such is entitled to reconsideration under restriction practice described in MPEP Chapter 800.

On 4 November 2010, the examiner prepared a restriction requirement, dividing Claims 1-25 into five groups, which were then divided into further subdivisions. The examiner also required an election of species.

On 3 February 2011, applicants elected Group I(ii), wherein R6-N-Q does not form rings, along with the Species of Example 3.

On 11 April 2011, the examiner mailed to applicants an Office action in which Claims 8, 9, 15, 16 and 23-25 and the remaining scope of claims 1-7, 10-14 and 17-22 were withdrawn from consideration pursuant to 37 CFR 1.142(b), as being drawn to a non-elected invention, there being no allowable generic or linking claim. The examiner indicated that the elected scope under examination included the requirement that R3 was limited to pyridyl. Claim 22 was

rejected under 35 U.S.C. 112, 2nd paragraph for indefiniteness. Claims 1-7, 10-14 and 17- 22 were indicated as objected to on the PTO-326 form. The PTO 326 form indicated that this action was a non-final action AND that this action was an Ex parte Quayle action closing prosecution except for formal matters. The application was indicated as being in condition for allowance expect for the following formal matters: the deletion of the nonelected claims and the nonelected subject matter from the pending claims and the correction of the 112 issues.

On 13 June 2011, applicants filed a response and amended the claims as follows:

- Claim 1: replaced the term "derivative" with "compound,"
- Claims 1, 4, 15, and 16, some options for variables were removed,
- Claims 8, 10-11 were cancelled,
- Claim 19 was written in dependent form and in
- Claim 22, the term "pharmaceutical" was deleted from the preamble.

On 25 August 2011, the examiner indicated that applicants declined the allowability based on the species election and then re-opened prosecution. The examiner then prepared a final Office action in which claims 9, 15-16, 23-25 were withdrawn from consideration as being directed to non-elected subject matter. The scope of the examined claims was then limited to R1 containing a pyridyl optionally substituted. Claim 22 was rejected under 35 U.S.C. 112, 2nd paragraph for being indefinite. Claims 1-7, 12-14 and 17-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al (cited on the PTO 892 form attached to the previous Office action). The examiner indicated that applicant's amendment and decline necessitated the new grounds of rejection. The Office action was then made final.

On 25 January 2012, applicants filed an amendment to remove alternatives from Claims 1, 4, 7 and 14 and to cancel Claim 5.

On 1 February 2012, the examiner prepared an advisory action stating that the amendment would not be entered and that the amendment contains new matter. The examiner indicated that the argument with respect to the obviousness of the Carter '844 reference has no impact because the Carter reference is to document the propriety of the restriction when the species is beyond R1 is pyridyl, such core has a different utility.

On 2 February 2012, applicants filed this petition.

A petition decision mailed 13 February 2012.

On 17 February 2012, Applicant JD Evan contacted tQAS Burke with concerns about a portion of the petition decision, which resulted in the preparation of this corrected petition decision.

DISCUSSION

The file history and petition have been considered carefully.

Originally elected group I(ii) was described as follows in the restriction requirement:

I. Claim 11, drawn to compounds of formula I wherein p=1, piperidinyl compounds.

ii) R6-N-Q does not form rings i.e. R6 and Q are independent substituents, i.e. single piperidinyl ring core classified in class 546 subclass 225+. If this group is elected, a further election of a single disclosed species is also required.

Applicants then elected Group I(ii) along with species of Example 3 in which R1 was a pyridyl group.

On 11 April 2011, the examiner indicated described the elected subject matter as follows:

> Based on the election, claims 1-7, 10-14, 17-22 drawn to the scope of p=1, NR6Q do not contain ring (claim 7), Z is O or CH2 (claim 10), R3 is pyridyl, is prosecuted. Claims 8-9, 15-16, 23-25 and the remaining scope of claims 1-7, 10-14, 17-22 are withdrawn from consideration per 37 CFR 1.142(b).

The petition correctly argues that this statement arbitrarily limits the meaning of the substituent R3. While it is noted that while the original restriction requirement indicated that Group I was drawn to piperindyl compounds, nothing in the descriptions of Group I(i) or Group I(ii) or the election of Species of Example 3 indicated that the R3 variable would be limited to pyridyl.

Further complicating matters, on 25 August 2011, the examiner indicated described the elected subject matter by indicating that R1 contained a pyridyl optionally substituted.

> Claims 1-7, 12-14, 17-22 drawn to the scope of p=1, NR6Q do not form cyclic ring (claim 7), Z is O or CH2 (claim 10), R1 contains pyridyl optionally substituted are continuously prosecuted. Claims 8, 10-11 have been canceled. Claims 9, 15-16, 12-15 remained withdrawn per 37 CFR 1.142(b).

The original description of Group I(ii) did not mention that R1 would be limited to pyridyl optionally substituted. The requirement that R 1 or R3 be limited to pyridyl cannot be maintained.

Turning now to the finality of the Office action mailed 25 August 2011, MPEP 706.06 sets forth the criteria for making an Office action final on second Office action. In short, an Office action containing a new grounds of rejection may be made final if it: (1) relied upon prior art submitted in a later filed Information Disclosure Statement (IDS), (2) arose from a response concerning a Joint Research Agreement or (3) was prompted by an amendment to the claims.

Here, Claims 1-7, 12-14 and 17-22, were rejected for the first time in a final Office action under 35 U.S.C. 103(a) as being unpatentable over Carter et al. This would be considered a new ground of rejection because the claims had not been rejected in previous Office actions. A

review of the file shows that the prior art provided by the examiner and relied upon in the final Office action (Carter) had not been submitted by applicants in a later-filed IDS. Carter was cited by the examiner in the Office action mailed 11 April 2011, however it had not been applied under 35 U.S.C. 103(a) at that time. The rejection was not prompted by an amendment because the changes to Claim 1 made to on 13 June 2011 narrowed the scope of the claims, by replacing "derivative" with "compound" and removing some of the variable options.

No response made under a Joint Research Agreement was present to have justified a final rejection. For these reasons, the finality of the Office action mailed 25 August 2011 is premature.

DECISION

The petition decision mailed 13 February 2012 is hereby vacated and has been replaced by this petition decision.

The petition filed on 2 February 2012 is **GRANTED** as follows:

The initial restriction requirement set forth on 4 November 2011 is has been maintained.

Applicants elected the compounds of Group I(ii) and the product claims have been amended to that scope.

The subject matter of non-elected inventions of Group I(i), II(i), II(ii), III(i) and III(ii) may be filed in a divisional application in accordance with 35 U.S.C. 121, third paragraph.

Because the product claims are not in condition for allowance, the process inventions of Group IV and V are withdrawn from consideration.

The statement set forth in the body of the Office action dated 11 April 2011 which limited the scope of Group I(ii) to compounds where R3 is pyridyl has been withdrawn.

The statement set forth in the body of the Office action dated 25 August 2011 which limited the scope of Group I(ii) to compounds where R1 is pyridyl has been withdrawn.

The finality of the Office action mailed 25 August 2011 has been withdrawn as premature.

The amendment filed 25 January 2012 has been entered.

The application will be forwarded to the examiner's amended docket for consideration of the papers filed 25 January 2012 and for preparation of an Office action consistent with this decision. 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.

Dan Sullivan
(Acting) Director, 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
www.uspto.gov

SABIC GELOY
SABIC INNOVATIVE PLASTICS - IP LEGAL
1 PLASTICS AVENUE
PITTSFIELD MA 01201

RECEIVED
NOV 0 1 2010
OFFICE OF PETITIONS

In re Application of	:	
Huijs et al.	:	
Application No. 11/873,084	:	DECISION ON PETITION
Filed: October 16, 2007	:	
Attorney Docket No. 197573-1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 13, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the final Office action mailed, January 29, 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 timely obtained. Accordingly, the application became abandoned on April 30, 2010. A Notice of Abandonment was mailed September 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 $810.00 and the submission required by 37 CFR 1.114; (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

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

Further, 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.

Further, 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. 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.

Additionally, 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, three- month extension of time fee submitted with the petition on October 13, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's deposit account in due course.

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

This matter is being referred to Technology Center AU 1796 for processing of the Request for Continued Examination under 37 CFR 1.114 and the Amendment filed with the instant petition.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: David E. Rodrigues
Cantor Colburn LLP
20 Church Street, 22nd Floor
Hartford, CT 06103

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

OCT 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Cheol An Kim et al.	:	
Application No. 11/873,100	:	NOTICE
Filed: October 16, 2007	:	
Attorney Docket No. **316413US8**	:	

This is a notice regarding your request filed September 8, 2008, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.

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
www.uspto.gov

Cook Alex, Ltd.
Suite 2850
200 West Adams Street
Chicago, IL 60606

MAILED

SEP 2 0 2010

OFFICE OF PETITIONS

In re Application of
Yung Chen, et. al.
Application No. 11/873,138
Filed: October 16, 2007
Attorney Docket No. 0976-0006

ON PETITION

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

The application became abandoned for failure to file a timely reply to the Notice to File Corrected Application Papers (Notice) mailed May 20, 2010. A Notice of Abandonment was mailed on August 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 amendment to the specification; (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 Data Management for further processing into a patent.

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
www.uspto.gov

FISH & RICHARDSON PC
PO BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED
JUN 28 2011
OFFICE OF PETITIONS

In re Patent No. 7,869,648	: DECISION ON
Schiller, et al.	: REQUEST FOR RECONSIDERATION
Application No. 11/873,159	: of PATENT TERM ADJUSTMENT
Issue Date: January 11, 2011	:
Filed: October 16, 2007	:
Attorney Docket No. 07844-0616002	:

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(d)", filed March 10, 2011, requesting that the patent term adjustment indicated on the above-identified patent be corrected from twenty-eight (28) days to one hundred fifteen (115) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **DISMISSED.**

On January 11, 2011, the instant application matured into U.S. Patent No. 7,869,648 with a patent term adjustment of twenty-eight (28) days. The Office determined a patent term adjustment of 28 days based upon 28 days of Office delay pursuant to 37 CFR 1.703(a)(2), reduced by 0 days of Applicant delay.

Patentees argue that even though they filed an RCE on March 25, 2009, they should be awarded 37 CFR 1.703(b) "over three year" delay from the time the Office mailed a Notice of Allowance on October 1, 2010 until the issue date of the patent. In other words, Patentees argue that no continued examination took place during this time period, and the Office should be accorded 87 days of delay pursuant to 37 CFR 1.703(b). Patentees' argument has been considered, but is not persuasive.

RELEVANT STATUTE AND REGULATIONS

The statutory basis for calculation of "B delay" is 35 U.S.C. 154(b)(1)(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY, which provides that:

Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including —

> (i) any time consumed by continued examination of the application requested by the applicant under section 132(b);
>
> (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or
>
> (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

The implementing regulation, 37 CFR 1.702(b) provides that:

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

> (1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);
> (2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);
> (3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;
> (4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or
> (5) Any delay in the processing of the application by the Office that was requested by the applicant.

OPINION

Patentee's arguments have been considered, but not found persuasive. The Office calculated the period of "B delay" pursuant to 35 U.S.C. 154(b)(1)(B)(i) and 37 CFR 1.702(b)(1) as 0 days based on the application having been filed under 35 U.S.C. 111(a) on October 16, 2007 and a request for continued examination under 132(b) having been filed on March 25, 2009. In other

words, the 87 day period beginning on the date of mailing of the notice of allowance on October 1, 2010 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]. So, with respect to calculating the "B delay" where applicant has filed a request for continued examination, the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

Further, counting the period of time excluded from the "B delay" for the filing of a request for continued examination under 35 U.S.C. 132(b), from the date on which the request for continued examination is filed to the date the patent is issued is proper. Patentee does not dispute that time consumed by continued examination of an application under 35 U.S.C. 132(b) is properly excluded and that the calculation of the excluded period begins on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the request for continued examination is not any time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56366, 56376 (Sept. 18, 2000) (response to comment 8). Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

---

[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.

Patentee's argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

First, "Subject to the limitations of paragraph (2)," means that the limitations of paragraph 2 apply to this paragraph's adjustment of patent term. That is, the day-to-day extension of patent term for pendency beyond the 3 year period is restricted as follows: 1) "B delay" cannot accrue for days of "A delay" that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

Second, "if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States," meaning that the condition must first occur that the issuance of an original patent (35 U.S.C. 153), not merely the issuance of a notice of allowance, is delayed due to the Office's failure to issue a patent (sign and record a patent grant in the name of the United States), not merely mail a notice of allowance, within 3 years after the actual filing date of the application in the United States. This provision gives the Office a three-year period to issue a patent (sign and record a patent grant in the name of the United States) after the application filing date before an adjustment will accrue for "B delay."

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), meaning that the three-year period does not include "any time consumed by" or "any delay in processing," as specified in clauses (i)-(iii). This language correlates to 35 U.S.C. 154(b)(1)(A) which likewise provides the basis for determining the period given the Office to take the specified actions before an adjustment will accrue for "A delay" (e.g., extended for 1 day after the day after the period specified in clauses (i)-(iv)).

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, (580 F. Supp. 2d 138), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than

three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

Thus, not including "any time consumed by" means not including any days used to prosecute the application as specified in clauses (i)-(ii)2. Clause (i) specifies "any time consumed by continued examination of the application requested by the applicant under section 132(b)." Clause (ii) specifies "any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court." "Time" in the context of this legislation throughout refers to days. "Consumed by" means used by or used in the course of. *Websters Collegiate Dictionary*, (11th ed.). The "any" signifies that the days consumed by are "any" of the days in the pendency of the application, and not just days that occur after the application has been pending for 3 years. As such, "any time consumed by" refers to any days used in the course of 1) continued examination of the application under section 132(b)(the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus, that 3-year period given to the Office to issue a patent before an adjustment will accrue for "B delay" does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

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.

---

[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.

By nature, the time used in the course of the examination process continues to issuance of the patent. The examination process involves examining the application to ascertain whether it appears that the applicant is entitled to a patent under the law. See 35 U.S.C. 131 ("[t]he Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor"). If on examination it appears that the applicant is entitled to a patent, the USPTO issues a notice of allowance. See 35 U.S.C. 151 ("[i]f it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant"). If on examination it appears that the applicant is not entitled to a patent, the USPTO issues a notice (an Office action) stating the applicable rejection, objection, or other requirement, with the reasons therefor. See 35 U.S.C. 132 ("[w]henever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application"). Neither the issuance of a notice of allowance nor the insurance of an Office action terminates the examination process. If after the issuance of an Office action under 35 U.S.C. 132 it subsequently appears that the applicant is entitled to a patent (e.g., in response to an argument or amendment by the applicant), the USPTO will issue a notice of allowance. Conversely, if after the issuance of a notice of allowance under 35 U.S.C. 151 it subsequently appears that the applicant is not entitled to a patent (e.g., in response to information provided by the applicant or uncovered by the USPTO), the USPTO will withdraw the application from issuance and issue an Office action under 35 U.S.C. 132 stating the applicable rejection, objection, or other requirement, with the reasons therefor.

As held in Blacklight Power, the USPTO's responsibility to issue a patent containing only patentable claims does not end with the issuance of a notice of allowance under 35 U.S.C. 151. See BlackLight Power, Inc. v. Rogan, 295 F.3d 1269, 1273 (Fed. Cir. 2002). Rather, if there is any substantial, reasonable ground within the knowledge or cognizance of the Director as to why an application should not issue, it is the USPTO's duty to refuse to issue the patent even if a notice of allowance has previously been issued for the application. See In re Drawbaugh, 9 App. D.C. 219, 240 (D.C. Cir 1896).

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is pending before the USPTO (i.e., until a patent is granted or the application is abandoned). See 37 CFR 1.56(a) ("[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned"). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures3 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).

---

[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.

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 March 25, 2009, and the patent issued by virtue of that request on January 11, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on March 25, 2009 and ending on January 11, 2011 is not included in calculating Office delay.

CONCLUSION

In view thereof, it is concluded that the patent term adjustment of 28 days indicated on the patent is correct.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FISH & RICHARDSON PC
PO BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED
SEP 13 2011
OFFICE OF PETITIONS

In re Patent No. 7,869,648	: DECISION ON
Schiller, et al.	: REQUEST FOR RECONSIDERATION
Application No. 11/873,159	: of PATENT TERM ADJUSTMENT
Issue Date: January 11, 2011	:
Filed: October 16, 2007	:
Attorney Docket No. 07844-0616002	:

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(d)", filed August 26, 2011, requesting that the patent term adjustment indicated on the above-identified patent be corrected from twenty-eight (28) days to one hundred fifteen (115) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **DENIED.** This decision is a final agency action within the meaning of 5 U.S.C. §704 for purposes of seeking judicial review. *See* MPEP 1002.02.

On January 11, 2011, the instant application matured into U.S. Patent No. 7,869,648 with a patent term adjustment of twenty-eight (28) days. The Office determined a patent term adjustment of 28 days based upon 28 days of Office delay pursuant to 37 CFR 1.703(a)(2), reduced by 0 days of Applicant delay.

Patentees argue that even though they filed an RCE on March 25, 2009, they should be awarded 37 CFR 1.703(b) "over three year" delay from the time the Office mailed a Notice of Allowance on October 1, 2010 until the issue date of the patent. In other words, Patentees argue that no continued examination took place during this time period, and the Office should be accorded 87 days of delay pursuant to 37 CFR 1.703(b). Patentees' argument has been considered, but is not persuasive.

RELEVANT STATUTE AND REGULATIONS

The statutory basis for calculation of "B delay" is 35 U.S.C. 154(b)(1)(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY, which provides that:

Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including —

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

(ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or

(iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

The implementing regulation, 37 CFR 1.702(b) provides that:

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

(1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);
(2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);
(3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;
(4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or
(5) Any delay in the processing of the application by the Office that was requested by the applicant.

OPINION

Patentee's arguments have been considered, but not found persuasive. The Office calculated the period of "B delay" pursuant to 35 U.S.C. 154(b)(1)(B)(i) and 37 CFR 1.702(b)(1) as 0 days based on the application having been filed under 35 U.S.C. 111(a) on October 16, 2007 and a

request for continued examination under 132(b) having been filed on March 25, 2009. In other words, the 87 day period beginning on the date of mailing of the notice of allowance on October 1, 2010 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]. So, with respect to calculating the "B delay" where applicant has filed a request for continued examination, the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

Further, counting the period of time excluded from the "B delay" for the filing of a request for continued examination under 35 U.S.C. 132(b), from the date on which the request for continued examination is filed to the date the patent is issued is proper. Patentee does not dispute that time consumed by continued examination of an application under 35 U.S.C. 132(b) is properly excluded and that the calculation of the excluded period begins on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the request for continued examination is not any time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56366, 56376 (Sept. 18, 2000) (response to comment 8).

---

[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.

Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

Patentee's argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

First, "Subject to the limitations of paragraph (2)," means that the limitations of paragraph 2 apply to this paragraph's adjustment of patent term. That is, the day-to-day extension of patent term for pendency beyond the 3 year period is restricted as follows: 1) "B delay" cannot accrue for days of "A delay" that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

Second, "if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States," meaning that the condition must first occur that the issuance of an original patent (35 U.S.C. 153), not merely the issuance of a notice of allowance, is delayed due to the Office's failure to issue a patent (sign and record a patent grant in the name of the United States), not merely mail a notice of allowance, within 3 years after the actual filing date of the application in the United States. This provision gives the Office a three-year period to issue a patent (sign and record a patent grant in the name of the United States) after the application filing date before an adjustment will accrue for "B delay."

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), meaning that the three-year period does not include "any time consumed by" or "any delay in processing," as specified in clauses (i)-(iii). This language correlates to 35 U.S.C. 154(b)(1)(A) which likewise provides the basis for determining the period given the Office to take the specified actions before an adjustment will accrue for "A delay" (e.g., extended for 1 day after the day after the period specified in clauses (i)-(iv)).

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, (580 F. Supp. 2d 138), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

Thus, not including "any time consumed by" means not including any days used to prosecute the application as specified in clauses (i)-(ii).[2] Clause (i) specifies "any time consumed by continued examination of the application requested by the applicant under section 132(b)." Clause (ii) specifies "any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court." "Time" in the context of this legislation throughout refers to days. "Consumed by" means used by or used in the course of. *Websters Collegiate Dictionary*, (11th ed.). The "any" signifies that the days consumed by are "any" of the days in the pendency of the application, and not just days that occur after the application has been pending for 3 years. As such, "any time consumed by" refers to any days used in the course of 1) continued examination of the application under section 132(b)(the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus, that 3-year period given to the Office to issue a patent before an adjustment will accrue for "B delay" does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

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

---

[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.

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 March 25, 2009, and the patent issued by virtue of that request on January 11, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on March 25, 2009 and ending on January 11, 2011 is not included in calculating Office delay.

CONCLUSION

The prior decision has been reconsidered. However, for the reasons set forth above, it is concluded that the patent term adjustment of 28 days indicated on the patent is correct.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Cliff Congo at (571) 272-3207.

Anthony Knight
Director
Office of Petitions

---

[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.

UNITED STATES 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 W. WUSTENBERG
P.O. BOX 1431
DUNCAN, OK 73536

MAILED
AUG 11 2010
OFFICE OF PETITIONS

In re Application of
Jim Surjaatmadja, et al.
Application No.: 11/873,160
Filed: October 16, 2007
Attorney Docket No.: 2005-IP-018647U1P1

ON PETITION

This is a decision on the petition, filed August 10, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

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

The 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 14, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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 3676 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: MELODY B. WIRZ
MCDERMOTT WILL & EMERY
1000 LOUISIANA, SUITE 3900
HOUSTON, TX 77002-5005

[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

BARLEY SNYDER, LLC
1000 WESTLAKES DRIVE, SUITE 275
BERWYN PA 19312

MAILED

APR 04 2011

OFFICE OF PETITIONS

In re Application of	:	
Steven Van Nimmen, et al.	:	
Application No. 11/873,172	:	DECISION GRANTING PETITION
Filed: October 16, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 21334-1740(E-AV-00389US)	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, April 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 on May 3, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2832 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

ZILKA-KOTAB, PC
P.O. BOX 721120
SAN JOSE, CA 95172-1120

MAILED

APR 12 2011

OFFICE OF PETITIONS

In re Application of	:	
Kolingivadi et al.	:	
Application No. 11/873,177	:	DECISION ON PETITION
Filed: October 16, 2007		TO WITHDRAW FROM RECORD
Attorney Docket No. NAI1P611/07.080.01	:	
	:	

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** because it is moot.

A review of the file record indicates that on March 21, 2011 the power of attorney to Zilka-Kotab, PC 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
Petitions Examiner
Office of Petitions

cc: Patent Capital Group
6119 McCommas Blvd
Dallas TX 75214

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
Larry Nouvel

Application No. 11873183

Filed: October 16,2007

Attorney Docket No. 113530

:
:
:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 16-AUG-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), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	11873183	Confirmation Number	1161	Filing Date	2007-10-16
Attorney Docket Number (optional)	113530	Art Unit	1655	Examiner	Qiuwen Mi
First Named Inventor	Larry Nouvel				
Title of Invention	Natural Compositions for Killing Parasites on a Companion Animal				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Larry	Mearns	Nouvel	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

● (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Andrea M. Porterfield/	Date (YYYY-MM-DD)	2011-08-16
Name	Andrea M. Porterfield	Registration Number	55311

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

MAILED

JAN 10 2011

OFFICE OF PETITIONS

In re Application of	:	
Aaron V. Kaplan, et al.	:	
Application No. 11/873,228	:	NOTICE
Filed: October 16, 2007	:	
Attorney Docket No. 20043.0004USC1	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-2991.

/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

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

MAILED
APR 20 2011
OFFICE OF PETITIONS

In re Application of
Harry Moore, et al.
Application No. 11/873,234
Filed: October 16, 2007
Attorney Docket No. 31261/41808

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 11, 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.

The request cannot be approved because the statement under 3.73(b) is not proper or no statement under 3.73(b) was filed.

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).

Petitioner should note that the request to change the correspondence address not acceptable because Gregg C. Benson does not have power of attorney in this application.

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: KONSTANTIN M. LINNIK, PH.D.
PFIZER, INC.
620 MEMORIAL DRIVE
CAMBRIDGE, MA 02139

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.
11/873,239	10/16/2007	Blaine Mathieu	COREL/0013	1270

26290 7590 04/02/2012
PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056

EXAMINER
HOLLY, JOHN H

ART UNIT	PAPER NUMBER
3694	

MAIL DATE	DELIVERY MODE
04/02/2012	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

APR - 2 2012

PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056

In re Application of: Mathieu, Blaine	:	**DECISION ON PETITION**
Application No. 11/873,239	:	**REGARDING REQUEST TO**
Filed: November 16, 2007	:	**WITHDRAW FINALITY**
For: TAGGED PRODUCTS AND USES THEREOF	:	**UNDER 37 CFR 1.181**
FOR AFTER POINT-OF-SALE REVENUE	:	
SHARING		

This is in response to a letter filed on February 10, 2010 requesting withdrawal of the finality of the Office action mailed on November 16, 2009 as being premature. The letter has been treated as a petition under 37 CFR 1.181.

The petition is DISMISSED as moot.

A review of the file shows that a non-final Office action was mailed on February 10, 2009. Applicant filed a response on July 9, 2009 amending claims 1, 5, cancelling claims 7-19 and adding new claims 21-34. A final Office action was mailed on November 16, 2009. Applicant filed a petition on February 10, 2010 alleging that the final rejection mailed on November 16, 2009 was premature because it maintained the rejection of claim 1 without addressing the July 9, 2009 amendment, in which claims had been amended and arguments were presented to rebut the rejections of the claims.

Applicant contends that the arguments on pages 7-8 of the July 9, 2009 amendment and response made the case that claims 1 and 20 satisfy the requirements of 35 U.S.C. § 103. More specifically, applicant argued that "the transaction being executed through the tagged product" feature of claims 1 and 20 is not rendered obvious by the cited references. The final Office action on November 16, 2009 maintained the rejection of claims 1 and 20 without addressing the aforementioned patentability argument. While the Office included a "Response to Arguments" section in the final Office action, the Response to Arguments merely asserts that "Starr does disclose [] 'associating the distributor code with a transaction by a user with a third-party provider resulting in revenue'". Applicant argued nowhere in the final Office Action is the patentability argument with regard to the features of claims 1 and 20 is considered.

37 CFR 1.181 (f) states that *"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 petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable."*

It is noted that the instant petition was filed on February 10, 2010, which is over two months after the November 16, 2009 mailing of the final Office action from which relief is requested. Therefore, the petition is dismissed as being untimely in accordance with 37 CFR 1.181 (f) cited above.

MPEP § 707.07(f) specifies that, "[*w*]*here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.*" Applicant alleges that the Office, neither "took note" of the aforementioned amendment and argument nor answered the substance" of the amendment and argument". Applicant asserts that the Office merely repeated the rejections of claims 1 and 20 in the final Office action of November 16, 2009, rather than addressing the amendment and arguments.

Subsequent to the filing of the petition on February 10, 2010, prosecution was re-opened and a new final Office action was mailed on June 3, 2010 in which the examiner answered applicant's amendment and arguments filed on July 9, 2009. Since the examiner has re-opened prosecution and issued a new office action, applicant's arguments as to the premature finality are considered moot.

Telephone inquiries should be directed to Kambiz Abdi, Supervisory Patent Examiner, at (571) 272-6702.

Greg Vidovich

Greg Vidovich, Director
Patent Technology Center 3600
(571) 272-5050

gv/ka: 3/26/12

LM

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Weiss & Arons, LLP
1540 Route 202, Suite 8
Pomona NY 10970

MAILED

OCT 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Avi Kliger et al.	:	
Application No. 11/873,263	:	DECISION ON PETITION
Filed: October 16, 2007	:	
Attorney Docket No. TIA-001DIV1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 10, 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 January 14, 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 April 15, 2011. A Notice of Abandonment was mailed on October 4, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,860, (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 2473 for appropriate action by the Examiner in the normal course of business on the reply received October 10, 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
www.uspto.gov

Paper No.

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

MAILED
MAR 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Miao et al	:	DECISION ON
Application No. 11/873,347	:	APPLICATION FOR
Filed: 10/16/2007	:	PATENT TERM ADJUSTMENT
Attorney Docket No.	:	
31362-701.301	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT AND APPLICATION FOR PATENT TERM ADJSUTMENT UNDER 37 C.F.R. § 1.705," filed on January 21, 2011, which is treated as a petition under 37 CFR 1.705(b). Applicants request that the determination of patent term adjustment at the mailing of the notice of allowance be increased by 14 days from 200 days to 214 days.

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

Applicants are given **TWO (2) MONTHS** to respond to this decision. No extensions of time will be granted under § 1.136.

On December 10, 2010, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. Applicant was advised that the patent term adjustment to date was 200 days (288 days of Office delay less 88 days of applicant delay). The subject application was timely filed on January 21, 2011.[1]

Applicants contend that there should have been a reduction of 41 days rather than 55 days for the filing of the Terminal Disclaimer filed on September 1, 2010.

[1] A review of Office PALM records indicates that the issue fee has not yet been paid.

Petitioners' argument has been considered, but is not persuasive.

On July 8, 2010, applicants filed a reply to the Office action mailed on April 22, 2010. On September 1, 2010, the Terminal Disclaimer was filed. The Terminal Disclaimer is therefore a supplemental reply within the meaning of 37 CFR 1.704(c)(8).

37 CFR 1.704(c)(8) 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: Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed.

It is undisputed that the Terminal Disclaimer was submitted on September 1, 2010, 55 days after the day after the date a response was filed, July 8, 2010. Further there is nothing in the record to indicate that the Terminal Disclaimer was expressly requested by the examiner. Accordingly, the 55 day reduction for the filing of the Terminal Disclaimer is warranted and will not be removed.

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

The application is being forwarded to the Office of Data Management for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and

for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOLME ROBERTS & OWEN, LLP
1700 LINCOLN STREET
SUITE 4100
DENVER, CO 80203

MAILED
SEP 09 2010
OFFICE OF PETITIONS

In re Application of
Katrina Cornish, et. al.
Application No. 11/873,363
Filed: October 16, 2007
Attorney Docket No. 142-10700.US

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed June 22, 2010.

The request is **NOT APPROVED**.

It is noted that a power of attorney was filed by the assignee on July 12, 2010 and July 13, 2010, which revoked any previous power of attorney or authorization of agent. Therefore, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is moot.

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

Telephone inquires 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
www.uspto.gov

MAILED

SEP 02 2010

OFFICE OF PETITIONS

FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN TX 78701

In re Application of	:	
Rhonda Genest	:	
Application No. 11/873,459	:	ON PETITION
Filed: October 17, 2007	:	
Attorney Docket No.	:	
BRKP.P0084US/11004305		

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 5, 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 timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of February 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)(II)(A)(2). No extensions of time were obtained. Accordingly, the date of abandonment of this application is May 20, 2009. A Notice of Abandonment was mailed on September 21, 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 lack item (1).

As to item 1, the amendment filed on May 5, 2010, does not *prima facie* place the application in condition for allowance, therefore the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b). See attached courtesy copy of an advisory action.

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.

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

Attachment: Courtesy copy of Advisory Action

Advisory Action Before the Filing of an Appeal Brief	Application No. 11/873,459	Applicant(s) GENEST, RHONDA	
	Examiner Matthew D. Troutman	Art Unit 3671	

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

THE REPLY FILED 05 May 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 _____months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

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

NOTICE OF APPEAL

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

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

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

/Thomas B Will/
Supervisory Patent Examiner, Art Unit 3671

Continuation of 11. does NOT place the application in condition for allowance because: Applicant first argues wherein the modification of Firth would render the device unsatisfactory for its intended purpose, however, Examiner restfully disagrees with Applicant's position. The modification to Firth would in no way render Firth unsatisfactory for use as a litter scoop as originally disclosed. The inclusion of fingers on the front edge of Firth does not prevent such a device to be used as a litter scoop. Further, such a modification would increase the penetrability of the leading edge of Firth.

Next, Applicant argues wherein the principle of operation of Firth would be changed by the modification in view of the teaching of Roman, however, again Examiner respectfully disagrees. As stated above, Firth in view of Roman [and Guenzel] is still fully functional as a litter scoop and, further, the principle of operation has not been changed as argued by Applicant. The principle of operation of the combination would still be similar to the principle of operation of Firth as originally taught in that the device is still capable of use for scooping and sifting and retaining pet waste, or for sifting other materials if so desired, by utilizing the same scooping motion.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See In re McLaughlin, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In the present case, the provision of finger like projections and beveled cutting edges have been shown to be old and well known in the art at the time of the invention and their inclusion would have been fully obvious to a person of ordinary skill in the art at the time of the invention based upon the prior art applied and cited within the present application.

Lastly, Applicant provides arguments based upon the references individually, however, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Further, Examiner has not ignored the features stated by Applicant. In response to Applicant's statements regarding Roman, Applicant's attention is drawn to the fact that Roman was relied upon as a modifying reference and therefore, while the reference has been fully considered in its entirety, only the fingers and beveled cutting edges have been applied in the modification of Firth.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN TX 78701

MAILED

OCT 15 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Rhonda Genest :
Application No. 11/873,459 :
Filed: October 17, 2007 :
Attorney Docket No. :
BRKP.P0084US/11004305

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 20, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed, February 19, 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 May 20, 2009. A Notice of Abandonment was mailed on September 21, 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 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.

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 Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3671 for appropriate action by the Examiner in the normal course of business on the RCE received September 20, 2010 and the required amendment filed May 5, 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

PRICE HENEVELD COOPER DEWITT & LITTON LLP
695 KENMOOR SE
P O BOX 2567
GRAND RAPIDS MI 49501

MAILED
JAN 03 2011
OFFICE OF PETITIONS

In re Application of	:	
Deborah A. O'Keefe	:	DECISION ON PETITION
Application No. 11/873,470	:	
Filed: October 17, 2007	:	
Attorney Docket No. OKE001 P300	:	

This is a decision on the "PETITION FOR NAME CHANGE UNDER 37 CFR 1.182", filed November 15, 2010.

Applicant has requested to correct the name of inventor Deborah Lemons to Deborah A. O'Keefe. Applicant has included a statement from O'Keefe, explaining that the name change occurred as a result of a divorce decree.

Accordingly, the request is **GRANTED**.

Office records have been changed to reflect the change in the inventor's name.

The application is being forwarded to Group Art Unit 3772.

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

MAILED

SEP 27 2011

OFFICE OF PETITIONS

CATERPILLAR/FINNEGAN, HENDERSON, L.L.P.
901 New York Avenue, NW
WASHINGTON DC 20001-4413

In re Application of :
Mark T. ALLOTT et al. : ON PETITION
Application No. 11/873,489 :
Filed: October 17, 2007 :
Atty. Docket No.: 08350.5608-00000

This is a decision on the petition under 37 CFR 1.137(b), filed September 20, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed June 17, 2011, which set a statutory period for reply of three (3) months. The application became abandoned September 20, 2011. A Notice of Abandonment was mailed September 22, 2011.

A grantable petition under 37 CFR1.137(b) must be accompanied by: (1) an appropriate reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay for 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 CFR1.137(d). The petition lacks item (1).

Regarding item (1), the instant petition lacks the issue fee and publication fee transmittal form as stated in the instant petition. See item II, under "How to Reply to this Notice," on page 1 of the "Notice of Allowance and Fee(s) Due," mailed June 17, 2011.

37 CFR 1.37(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. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant 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

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

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

Rajesh Krishnamurthy
for 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

MAILED

MAR 16 2012

OFFICE OF PETITIONS

CATERPILLAR/FINNEGAN, HENDERSON, L.L.P.
901 New York Avenue, NW
WASHINGTON DC 20001-4413

In re Application of	:	
Mark T. ALLOTT et al.	:	ON PETITION
Application No. 11/873,489	:	
Filed: October 17, 2007	:	
Atty. Docket No.: 08350.5608-00000		

This is a decision on the renewed petition under 37 CFR 1.137(b), filed September 26, 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 Allowance and Fee(s) Due mailed June 17, 2011, which set a statutory period for reply of three (3) months. The application became abandoned September 20, 2011. A Notice of Abandonment was mailed September 22, 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, (2) a petition fee of $1620, and (3) a statement of unintentional delay. Accordingly, the reply to the Notice is accepted as having been unintentionally delayed.

37 CFR 1.37(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. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

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

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

Robert DeWitty
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

GREGORY T. ZALECKI
12900 HALL ROAD
SUITE 400
STERLING HEIGHTS MI 48313

MAILED

SEP 29 2011

OFFICE OF PETITIONS

In re Application of
Menon
Application No. 11/873,526
Filed: October 17, 2007
Atty. Dkt. No.: NMENO

: DECISION ON PETITION

This decision is in response to the petition under 37 CFR 1.137(b), filed September 26, 2011.

The petition is **GRANTED**.

The application became abandoned February 4, 2011 for failure to timely submit a proper reply to the non-final Office action mailed November 3, 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 June 27, 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 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 3677 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
www.uspto.gov

MAILED
JUN 28 2011
OFFICE OF PETITIONS

NAVAIRWD
COUNSEL GROUP (CODE K0000D)
1 ADMINISTRATION CIRCLE, STOP 1009
CHINA LAKE CA 93555-6100

In re Application of	:	
MILLER, STEPHEN	:	
Application No. 11/873,559	:	DECISION ON PETITION
Filed: 10/17/2007	:	
Attorney Docket No. 98482	:	

This is a decision on the petition under 37 CFR 1.137(a), filed June 17, 2011, which is being treated as a petition under 37 CFR 1.181 (feeless) 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 nonfinal Office action mailed October 4, 2010, which set a three (3) month shortened statutory period for reply. In the absence of a timely filed reply, the application became abandoned on January 5, 2011. On May 13, 2011, the Office mailed a Notice of Abandonment.

Petitioner asserts that the nonfinal Office action dated mailed October 4, 2010, was not received at the correspondence address of record.

A review of the written record indicates no irregularity in the mailing of the Office action and in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received.

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

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice

> of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.
>
> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

After reviewing the documents submitted on petition, the Office concludes that the showing of record is sufficient to warrant withdrawal of the holding of abandonment. The practitioner and paralegal specialist, Meichelle McGuire, explained the system for docketing correspondence from the USPTO and due dates for response. Additionally, the practitioner submitted a copy of the master docket showing all replies docketed for a date three months from the mail date of the

nonreceived Office action. The practitioner stated the nonfinal Office action would have been entered in this docketing system had it been received and docketed. The practitioner attested to the fact that a search of the records indicated that the nonfinal Office action was not received at the correspondence address. Accordingly, petitioner presented the required showing under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**. The holding of abandonment is hereby withdrawn.

As the petition was treated under 37 CFR 1.181, the $540.00 petition fee is not required. Additionally, the Office finance records reveal that petitioner submitted a $1,110.00 extension of time fee with the present petition. An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). The $1,110.00 extension of time fee was paid after the maximum extendable period for reply. Therefore, this fee is unnecessary.

It is further noted that petitioner submitted a $140.00 terminal disclaimer fee. As the present utility application was filed after June 8, 2005, the submission of a terminal disclaimer (TD) is not necessary for the purposes of reviving the instant application. Thus, it appears that the TD fee was submitted in error.

Accordingly, the $540.00 petition fee, the $1,110.00 extension of time fee, and the $140.00 TD fee will be refunded in due course.

This matter is being referred to the Technology Center 2628 for further action on the reply to the nonfinal Office action submitted with the petition.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NAVAIRWD
COUNSEL GROUP (CODE K0000D)
1 ADMINISTRATION CIRCLE, STOP 1009
CHINA LAKE CA 93555-6100

MAILED
NOV 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Stephen Miller	:	
Application No. 11/873,559	:	ON PETITION
Filed: 10/17/2007	:	
Attorney Docket No. 98482	:	

This is in response to the petition under 37 CFR 1.137(b), filed November 4, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the required issue fee and publication fee within the statutory period of three months from the July 22, 2011 mailing date of the Notice of Allowance and Fees Due. The Office mailed a Notice of Abandonment on November 8, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied: (1) the reply in the form of payment of the issue fee and the publication fee; (2) the petition fee; and (3) a proper statement of unintentional delay.

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

Telephone inquiries specifically 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
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
Vadim LASER

Application No. 11873562

Filed: October 17,2007

Attorney Docket No. VLE-001

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 16-MAR-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), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

MAILED

DEC 3 0 2010

OFFICE OF PETITIONS

In re Application	:	
Harwood et al.	:	DECISION ON PETITION
Application No. 11/873,564	:	TO WITHDRAW
Filed: October 17, 2007	:	FROM RECORD
Attorney Docket No. 2006579-1178 (CTX-373)	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2010.

The request is **DISMISSED**.

A review of the file record indicates that Choate, Hall & Stewart LLP was never appointed power of attorney in this patent application and therefore, was only designated as the correspondence address of record. As a result, 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 notified by applicant.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
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

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Mail Date: 08/02/2010

Applicant	: Dae-ho KIM	: DECISION ON REQUEST FOR
Patent Number	: 7668489	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/873,729	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/17/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **133** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FLETCHER YODER (MICRON TECHNOLOGY, INC.)
P.O. BOX 692289
HOUSTON TX 77269-2289

MAILED
JUN 17 2011
OFFICE OF PETITIONS

In re Application of :
Pekny :
Application No. 11/873,826 : DECISION ON PETITION
Filed: October 17, 2007 :
Attorney Docket No. MIC:0253/07-0879 :

This is a decision on the petition, filed June 1, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

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

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

This application was held abandoned for failure to reply to the Notice of Allowance mailed February 2, 2011, which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed on May 18, 2011.

Petitioner asserts that the Notice of Allowance dated February 2, 2011 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. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and

> referenced in the practitioner's statement. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition fails to satisfy all of the above-stated requirements. Item(s) (3) has not been satisfied.

As to item (3), although petitioner has provided a copy of a "master docket report including all docketed, patent related due dates for Micron Technology, Inc." a master docket for the firm not just a section of the firm has not been provided. Nor has petitioner stated that a master docket does not exist. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the **master docket for the firm**. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. See MPEP 711.03(c). If the document presented on petition is indeed the master for the firm a statement should be provided.

Accordingly, absent the required evidence to establish nonreceipt of the Notice of Allowance of February 2, 2011, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $1620 or $810 petition fee based on entity status.

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

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450

Alexandria, VA 22313-1450

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

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

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

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

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FLETCHER YODER (MICRON TECHNOLOGY, INC.)
P.O. BOX 692289
HOUSTON TX 77269-2289

MAILED
JUL 20 2011
OFFICE OF PETITIONS

In re Application of :
Pekny et al. :
Application No. 11/873,826 : DECISION ON PETITION
Filed: October 17, 2007 :
Attorney Docket No. MICS:0253 :

This is a decision on the renewed petition, filed June 28, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice of Allowance mailed February 2, 2011, which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed on May 18, 2011. A petition filed under 37 CFR 1.181 was dismissed on June 17, 2011.

Petitioner asserts that the Notice of Allowance dated February 2, 2011 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. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 2827 for re-mailing the Notice of Allowance of February 2, 2011. The period for reply will run from the mailing date of the Notice of Allowance.

Telephone inquiries concerning this decision 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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application of :
McDaniel :
Application No. 11/873,858 : ON APPLICATION FOR
Filed: October 17, 2007 : PATENT TERM ADJUSTMENT
Atty. Docket No. 17960US03 :
Title: METHOD AND SYSTEM FOR :
INTERLOCKING DATA INTEGRITY :
FOR NETWORK ADAPTERS :

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 July 27, 2010. Applicant submits that the correct patent term adjustment to be indicated on the patent is five hundred and forty (540) days, not five hundred and ten (510) 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 she 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

---

[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 regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

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
www.uspto.gov
DIW Dec-11

VERIZON
PATENT MANAGEMENT GROUP
1320 NORTH COURT HOUSE ROAD
9TH FLOOR
ARLINGTON VA 22201-2909

MAILED
DEC 08 2011
OFFICE OF PETITIONS

In re Application of	:	
Waggener et al.	:	
Application Number: 11/873,877	:	DECISION ON PETITION
Filing Date: 10/17/2007	:	
Attorney Docket Number:	:	
20070087	:	

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.183 FOR ENTRY OF REPLY BRIEF TO EXAMINER'S ANSWER AFTER TWO-MONTH DATE, filed on August 2, 2011.

The petition is **DISMISSED**.

On April 29, 2011, an Appeal Brief was filed.

On May 31, 2011, an Examiner's Answer was mailed.

On August 2, 2011, the subject petition was filed, accompanied by a Reply Brief.

Petitioners concede that the Reply Brief filed on August 2, 2011, was not filed within two months of the mailing date of the Examiner's Answer mailed on May 31, 2011. As July 31, 2011, fell on a Sunday, the Reply Brief was due on August 1, 2011. The Reply Brief, however, was filed on August 2, 2011, which is outside the two (2) month period for reply.

Petitioners request waiver of the rules under 37 CFR 1.183 in that the delay in filing the reply brief be excused, and the Reply Brief filed on August 2, 2011 be accepted as timely filed.

Petitioners assert, in pertinent part:

> On August 1, 2011 beginning at approximately 11 PM Eastern Time, Appellants made attempts to access the USPTO's Electronic Filing System (EFS) in an attempt to make a timely submission of the Reply Brief. However, at that time the EFS was not responding and web portal could not be accessed. Appellants made repeated attempts until the midnight deadline, but the EFS web portal remained inaccessible. Because of the late hour, Appellants were not able to make alternate provisions for filing (e.g., filing a hardcopy of the Reply Brief). As a result, Appellants were not able to submit the Reply Brief within the two month reply period despite every effort.
>
> Appellants have diligently filed the Reply Brief at the first available opportunity (August 2, 2011).

37 CFR 1.183 states:

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

37 CFR 41.41 states:

> (a) (1) Appellant may file a reply brief to an examiner's answer within two months from the date of the examiner's answer.
>
> (2) A reply brief shall not include any new or non-admitted amendment, or any new or non-admitted affidavit or other evidence. See § 1.116 of this title for amendments, affidavits or other evidence filed after final action but before or on the same date of filing an appeal and § 41.33 for amendments, affidavits or other evidence filed after the date of filing the appeal.

(b) A reply brief that is not in compliance with paragraph (a) of this section will not be considered. Appellant will be notified if a reply brief is not in compliance with paragraph (a) of this section.

(c) Extensions of time under § 1.136 (a) of this title for patent applications are not applicable to the time period set forth in this section. See § 1.136 (b) of this title for extensions of time to reply for patent applications and § 1.550 (c) of this title for extensions of time to reply for ex parte reexamination proceedings.

MPEP 502.05(III)(C) states, in pertinent part, that:

If a transmission is attempted during a down time, the USPTO cannot accept it and will, if possible, transmit back a notice that the USPTO is not accepting submissions. No Electronic Acknowledgement Receipt will be sent. Instead a notice will advise the user to use alternative filing methods, such as Express Mail from the USPS in accordance with 37 CFR 1.10 or hand delivery of paper to the USPTO, to establish the filing date (see also **EFS-Web Contingency Option** below). Note that applications filed under 37 CFR 1.53, and reexamination requests, cannot be submitted by facsimile transmission (37 CFR 1.6(d)(3) and (5)), and that certificate of mailing procedures do not apply to new applications and reexamination requests (37 CFR 1.8(a)(2)(i)(A) and (D)). *Users are strongly advised to transmit their electronic filings sufficiently early in the day to allow time for alternative paper filing when transmission cannot be initiated or correctly completed.*

1. EFS-Web Contingency Option

The USPTO has provided EFS-Web Contingency Option for users to file new applications, national stage submissions under 35 U.S.C. 371, requests for reexamination, and certain petitions when the primary portal to EFS-Web is unavailable during an unscheduled outage. The USPTO will post a notification of any unscheduled outage of the primary portal to EFS-Web and provide the link to the EFS-Web Contingency Option on the EFS-Web Internet page

(http:www.uspto.gov/patents/process/file/efs/index.jsp) The EFS-Web Contingency Option will only have the same functionality as EFS-Web for unregistered e-filers (https://sportal.uspto.gov/secure/portal/efs-unregistered). It will permit users to sign on as unregistered EFS-Web users to file new applications, national stage submissions under 35 U.S.C. 371 submitted with the basic national fee necessary to enter the national stage, requests for reexamination, and certain petitions. However, other follow-on documents and fee payments filed after the initial submission of the application or reexamination request (e.g., amendments and replies to Office actions) cannot be filed using EFS-Web Contigency Option.

...

The EFS-Web Contingency Option does not permit follow-on fee payments and follow-on documents that are not listed above. Applicants may file the documents or fee payments by: (1) facsimile transmission; (2) first class mail with a certificate of mailing in accordance with 37 CFR 1.8; (3) hand-delivery to the USPTO; or (4) "Express Mail" from USPS in accordance with 37 CFR 1.10. Documents that are required to establish the filing date of an application (e.g., a missing drawing figure or page of the specification) cannot be submitted by facsimile transmission, and certificate of mailing procedures under 37 CFR 1.8 do not apply to these documents.

(a) Improperly Filed Follow-on Documents

As previously stated, EFS-Web for unregistered e-filers and EFS-Web Contingency Option permit users to sign on as unregistered EFS-Web users to file new applications, national stage submissions under 35 U.S.C. 371 submitted with the basic national fee necessary to enter the national stage, requests for reexamination and certain petitions, but not other follow-on documents and follow-on fee payments filed after the initial submission of the application or reexamination request (e.g., amendments and replies to Office actions). With the limited functionality of EFS-Web for unregistered e-filers and EFS-Web Contingency Option, some users may attempt to file follow-on documents as

> *new applications, and then later request the USPTO to move the documents to the appropriate application. When applicant improperly files a follow-on document as a new application via EFS-Web Contingency Option (or EFS-Web) and requests the USPTO to move the follow-on document to the appropriate application, a petition under 37 CFR 1.182 accompanied by the petition fee will be required in the appropriate application.*
>
> *Upon granting such a petition, the follow-on document will be entered into the file of the appropriate application and the document will be accorded a receipt date, the date the follow-on document was received at the USPTO. See 37 CFR 1.6(a)(4). Once the follow-on document is moved to the appropriate application, the USPTO will eliminate the new application, and thus applicant should not use the application number for the new application for any subsequent communications.*
>
> (*emphasis added*)

Petitioners assert that the extraordinary situation of the unavailability of the EFS web portal caused the applicant to be unable to comply with the two-month date despite Appellants best effort.

In order for grant of any petition under 37 CFR 1.183, petitioner must show (1) that this is an extraordinary situation where (2) justice requires waiver of the rule. In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985). Petitioners have not shown that either condition exists in this case.

At the outset, the unavailability of EFS-Web is not an extraordinary situation. As set forth above, applicants are strongly advised to transmit their electronic filings sufficiently early in the day to allow time for alternative paper filing when transmission cannot be initiated or correctly completed. MPEP 502.05. Accordingly, the unavailability of EFS-Web is a routine event rather than an extraordinary event.

In this regard, petitioners have not shown that that extraordinary circumstances prevented petitioners from earlier filing the Reply Brief, such that alternative provisions could be made to timely file the Reply Brief by other means in the event that EFS-Web was not available. Rather, the showing of record is that applicant simply delayed filing the Reply Brief until the

end of the time for reply. While an applicant may delay action until the end of the time period for reply, in doing so, the applicant must assume the risk attendant to such delay. Ex parte Warren, 1901 Dec. Comm'r Pat. 137 (Comm'r Pat. 1901).

Lastly, it is noted that, as stated above, MPEP 502.05 provides a mechanism for applicants to file follow-on documents as a new application, using the EFS-Web Contingency Option, and subsequently file a petition under 37 CFR 1.182 and fee requesting the Office move the follow-on paper to the appropriate application. The follow-on document would be accorded a receipt date of the date the document was received at the USPTO. However, petitioners have neither explained why they did not attempt to timely file the document using this method, nor why the failure to do so should be considered an extraordinary circumstance.

Thus, there is no adequate basis in the record for concluding that "justice requires" waiver or suspension of the rules in this case. A party's inadvertent failure to comply with the requirements of a rule is not deemed to be an extraordinary situation that would warrant waiver of a rule under 37 CFR 1.183. See Honigsbaum v. Lehman, 903 F.Supp. 8, 37 USPQ2d 1799 (D.D.C. 1995) (Commissioner did not abuse his discretion in refusing to waive requirements of 37 CFR 1.10(c) in order to grant filing date to patent application, where applicant failed to produce "Express Mail" customer receipt or any other evidence that application was actually deposited with USPS as "Express Mail"), aff'd without opinion, 95 F.3d 1166 (Fed. Cir.1996); Nitto Chemical Industry. Co., Ltd. v. Comer, 39 USPQ2d 1778, 1782 (D.D.C. 1994) (Commissioner's refusal to waive requirements of 37 CFR 1.10 in order to grant priority filing date to patent application not arbitrary and capricious, because failure to comply with the requirements of 37 CFR 1.10 is an "avoidable" oversight that could have been prevented by the exercise of ordinary care or diligence, and thus not an extraordinary situation under 37 CFR 1.183); Gustafson v. Strange, 227 USPQ 174 (Comm'r Pats. 1985) (Counsel's unawareness of 37 CFR 1.8 not extraordinary situation warranting waiver of a rule); In re Chicago Historical Antique Automobile Museum, Inc., 197 USPQ 289 (Comm'r Pats. 1978) (Since certificate of mailing procedure under 37 CFR 1.8 was available to petitioner, lateness due to mail delay not deemed to be extraordinary situation).

The failure of petitioners to follow the proper procedures constitutes an avoidable mistake. Waiver of the rules is not

warranted when petitioner, or petitioners' representative, makes an avoidable mistake. Accordingly, the petition is **DISMISSED.**

Receipt of the petition fee set forth in § 1.17(f) is acknowledged.

The application is being forwarded to Technology Center Art Unit 2461 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

OCT 2 1 2010

OFFICE OF PETITIONS

In re Application of	:	
Jin Yong Lee et al.	:	
Application No. 11/873,903	:	NOTICE
Filed: October 17, 2007	:	
Attorney Docket No. **316506US8**	:	

This is a notice regarding your request filed September 8, 2008, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.

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
www.uspto.gov

LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL P;AZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6731

MAILED

APR 05 2011

OFFICE OF PETITIONS

Applicant: Yang, et al.
Appl. No.: 11/873,945
Filing Date: October 17, 2007
Title: METHOD AND SYSTEM FOR MANAGING HOME NETWORK
Attorney Docket: HW702086
Pub. No.: US 2008/0270511 A1
Pub. Date: October 30, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 14, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains an error in claim 11, wherein the word "unit" was misprinted as "unlit".

37 CFR 1.221 (b) is applicable: "only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The request for corrected publication, received on January 14, 2009, was not timely filed under 37 CFR 1.221(b).

Furthermore, the instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b). The error in dependent claim 11, wherein the word "unit" was misprinted as "unlit" is clearly a typographical error, which is clear from reading the claim. Thus, one of ordinary skill in the art would clearly understand the nature of the typographical

[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).

error and would not be misled as to the scope of the claims. The error 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.

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
OR
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" and questions or request 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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
DEC 07 2010
OFFICE OF PETITIONS

In re Application of
D. Bruce Modesitt, et al.
Application No. 11/873,957
Filed: October 17, 2007
Attorney Docket No. 602572000400

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 14, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Mika Mayer on behalf of all attorneys of record who are associated with customer No. 25226. All attorneys/agents associated with the Customer Number 25226 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 August 2, 2010 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: ARSTASIS, INC.
1021 HOWARD AVENUE
SUITE C
SAN CARLOS, CA 94070

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
11/873,957	10/17/2007	D. Bruce Modesitt	602572000400

CONFIRMATION NO. 1571

POWER OF ATTORNEY NOTICE

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

OC000000044830294

Date Mailed: 12/06/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/14/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

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

UNITED STATES 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

APR 11 2011

OFFICE OF PETITIONS

EMERSON, THOMSON & BENNETT, LLC
1914 AKRON-PENINSULA ROAD
AKRON OH 44313

In re Application of	:	
Mickael C. Joasil	:	
Application No. 11/873,974	:	DECISION ON PETITION
Filed: October 17, 2007	:	
Attorney Docket No. **20305.0007US01**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 28, 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 31, 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 01, 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, and the required replacement drawings (2) the petition fee of $810, and (3) an adequate statement of unintentional delay. Accordingly, the reply to the non-final Office action of August 31, 2009 is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

This application is being referred to Technology Center AU 3635 for appropriate action on the concurrently filed amendment.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
MAY 18 2011
OFFICE OF PETITIONS

KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

In re Application of	:	
Adnan Shennib et al.	:	
Application No. 11/874,011	:	DECISION ON PETITION
Filed: October 17, 2007	:	TO WITHDRAW
Attorney Docket No. **2010-006**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 29, 2011.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 20350 has been revoked by the applicants of the patent application on May 6, 2011. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: HENRICKS SLAVIN AND HOLMES, LLP
ADVANCED BIONICS CORPORATION
840 APOLLO STREET
SUITE 200
EL SEGUNDO CA 90245

UNITED STATES 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.

OGILVY RENAULT LLP
1, Place Ville Marie
SUITE 2500
MONTREAL QC H3B 1R1
CANADA

MAILED
NOV 08 2010
OFFICE OF PETITIONS

In re Application of	:	
Igwemezie et al.	:	
Application No. 11/874,056	:	DECISION ON PETITION
Filed: October 17, 2007	:	PURSUANT TO
Attorney Docket No.:	:	37 C.F.R. § 1.137(B)
55351869-2US	:	
Title: PORTABLE RAMP FOR	:	
MOTOR VEHICLES	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed September 15, 2010, to revive the above-identified application.

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

The above-identified application became abandoned for failure to submit the issue fee, the publication fee, and drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed May 17, 2010, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting formal drawings,[1] issue fees,[2] or publication fees.[3] Accordingly, the above-identified application became abandoned on August 18, 2010. A Notice of Abandonment was mailed on September 2, 2010.

1 See MPEP § 710.02(e)(III).
2 Id.
3 See 37 C.F.R. § 1.211(e).

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, Applicant has submitted the issue, publication, and petition fees, along with corrected drawings and the proper statement of unintentional delay. The concurrently submitted transmittal letter is being construed to constitute an amendment directing the entry of the corrected drawings. As such, requirements one through three 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.[4]

The Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

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 Office of Patent Publication 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 Office of Patent Publication 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.[5] All other inquiries

---

4 See Rule 1.137(d).
5 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded

concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ZILKA-KOTAB, PC
P.O. BOX 721120
SAN JOSE, CA 95172-1120

MAILED
APR 12 2011
OFFICE OF PETITIONS

In re Application of	:	
Thomas et al.	:	
Application No. 11/874,084	:	DECISION ON PETITION
Filed: October 17, 2007		TO WITHDRAW FROM RECORD
Attorney Docket No. NAI1P613/07.030.01	:	
	:	

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** because it is moot.

A review of the file record indicates that on March 21, 2011 the power of attorney to Zilka-Kotab, PC 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
Petitions Examiner
Office of Petitions

cc: Patent Capital Group
6119 McCommas Blvd
Dallas TX 75214

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of	:	
Klostermann et al.	:	DECISION ON PETITION
Application No. 11/874,113	:	TO WITHDRAW
Filed: October 17, 2007	:	FROM RECORD
Attorney Docket No. QIM 2007 VJ 33550 US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 14, 201.

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. *See* **Change In Procedure For Requests To Withdraw From Representation In A Patent Application 1329 OG 99 (April 8, 2008)**.

Further, 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 for all assignees, the Office cannot change the correspondence address to the address on the Request to Withdraw. Additionally, it is noted that Qimonda AG is not the assignee of the entire interest. A review of USPTO records reveals that Altis Semiconductor, SNC is also an assignee. The combination of all partial assignees with ownership interest is required to conduct prosecution of an application.

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

Application No. 11/874,113

Currently, there is an outstanding Office action mailed March 2, 2011 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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

11/2/2010

Patent No. :7433573
Ser. No. :11/847163
Inventor(s) :Mu-Hyun Kim et al.
Issued :8/11/09
Title :DONOR SUBSTRATE FOR LASER INDUCED THERMAL IMAGING AND METHOD OF FABRICATING ORGANIC LIGHT EMITIING DISPLAY USING THE SAME SUBSTRATE
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

Christie Parker & Hale, LLP
P.O. Box 7068
Pasadena, CA 91109-7068

HR

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

MAILED
FEB 22 2011
OFFICE OF PETITIONS

In re Patent No. 7,572,568 :
Issue Date: August 11, 2009 :
Application No. 11/874,163 :
Filed: October 17, 2007 :
Attorney Docket No. 60657/S1082 :

ON PETITION

This is a decision on the petition filed November 24, 2010, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is GRANTED.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3205. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

[1] *See* MPEP 1309, subsection II; and 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

KOPPEL, PATRICK, HEYBL & PHILPOTT
2815 TOWNSGATE ROAD
SUITE 215
WESTLAKE VILLAGE CA 91361-5827

MAILED
AUG 01 2011
OFFICE OF PETITIONS

In re Application of Michael S. Berlin Application No. 11/874,179 Filed: October 17, 2007 Attorney Docket No. 299-26-008CP	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 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 Michael J. Ram on behalf of all attorneys of record who are associated with Customer Number 23935.

All attorneys/agents associated with the Customer Number 23935 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the applicant at the address indicated below.

Currently, there is an outstanding Office action mailed April 4, 2011 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: Michael S. Berlin
8733 Beverly Boulevard, Suite 301
Los Angeles, CA 90048

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SOROKER-AGMON ADVOCATE AND PATENT ATTORNEYS
NOLTON HOUSE, 14 SHENKAR STREET
HERZELIYA PITUACH 46725 IL ISRAEL

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Agmon et al.	:	
Application No. 11/874,252	:	ON PETITION
Filed: October 18, 2007	:	
Attorney Docket No. 5077\3.3	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 19, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). In view of the three-month extension of time filed September 6, 2010, the date of abandonment of this application is September 20, 2010. A Notice of Abandonment was mailed October 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 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.

As 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) 272-6059.

This application is being referred to Technology Center AU 3734 for processing of the RCE and for appropriate action by the Examiner in the normal course of business in accordance with 37 CFR 1.114.

A. Kelley

Alicia Kelley
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

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

MAILED
AUG 29 2011
OFFICE OF PETITIONS

In re Application of :
Hiroyuki Fujita, et al. :
Application No.: 11/874,286 : ON PETITION
Filed: October 18, 2007 :
Attorney Docket No.: Q104588 :

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 21, 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1713 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

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

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

MAILED
SEP 22 2011
OFFICE OF PETITIONS

In re Patent No. 7,916,019
Application No. 11/874,403
Filing Date: October 18, 2007
Issue Date: March 29, 2011
Attorney Docket No. 072329

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.182, filed September 19, 2011, requesting issuance of duplicate Letters of Patent for the above-identified patent.

The petition is **granted**.

The file record discloses that the instant application matured into U.S. Patent No. 7,916,019 on March 29, 2011. Petitioner requests a duplicate Letters of Patent because the original Letters of Patent was never received. Petitioner has not provided any evidence to corroborate the non-receipt of the Letter of Patent. Accordingly, the fee of $400.00 is being assessed. The Office of Data Management is directed to issue duplicate Letters of Patent.

The petition fee of $400.00 was received.

Any questions concerning this decision may be directed to the undersigned at (571)272-3222. Any questions concerning issuance of the duplicate Letter of Patent should be directed to the Office of Data Management.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc: Kimberly Terrell—Office of Data Management FAX: 571-270-9958

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	11874478
Filing Date	18-Oct-2007
First Named Inventor	Markus Schnell
Art Unit	2626
Examiner Name	BRIAN ALBERTALLI
Attorney Docket Number	SCHO0465
Title	ENCODING AN INFORMATION SIGNAL

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	/MAG/
Name	Michael A. Glenn
Registration Number	30176

UNITED STATES 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 22, 2011

In re Application of :

Markus Schnell

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11874478

Filed : 18-Oct-2007

Attorney Docket No : SCHO0465

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed December 22, 201,1to 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 2626 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

OBLON, SPIVAK, MCCLELLAND
MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED
MAR 23 2011
OFFICE OF PETITIONS

In re Application of :
Niizaki, et al. :
Application No. 11/874,553 : DECISION
Filed/Deposited: 18 October, 2007 :
Attorney Docket No. 316410US0X :

This is a decision on the petition filed on 16 February, 2011, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition pursuant to 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 Requirement for Restriction mailed on 16 September, 2010, with reply due absent extension of time on or before 16 October, 2010.

The application went abandoned by operation of law after midnight 16 October, 2010.

The Office mailed the Notice of Abandonment on 24 January, 2011.

On 16 February, 2011, Petitioner filed a petition pursuant to 37 C.F.R. §1.181 and averred that the Requirement for Restriction mailed on 16 September, 2010, permitted extensions of time that

might permit timely reply up through 16 March, 2011. Petitioner further submitted a request and fee for extension of time and a reply (Election) made timely by the extension.

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).

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

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

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 24 January, 2011, Notice of Abandonment hereby is **vacated**.

The instant application is released to the Technology Center/AU 3727 for further processing in due course.

---

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).

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 that change in 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[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
www.uspto.gov

MAILED

NOV 18 2010

OFFICE OF PETITIONS

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

In re Application of	:	
Weinberger et al.	:	DECISION ON
Application No. 11/874,652	:	APPLICATION FOR
Filed: 10/18/2007	:	PATENT TERM ADJUSTMENT
Attorney Docket No.	:	
16113-737001/GP-1285-00-U	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(b)" filed on August 2, 2010. Applicants request that the initial determination of Patent Term Adjustment for the above-identified patent be corrected from 341 days to 501 days.

The application for patent term adjustment patent is **GRANTED TO THE EXTENT INDICATED**.

The Office has updated the PALM and PAIR screen to reflect that the Patent Term Adjustment (PTA) at the time of the mailing of the Notice of Allowance is 408 days. A copy of the updated PALM screen, showing the revised determination, is enclosed.

On May 3, 2010, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) in the above-identified application, stating that the patent term adjustment to date was 341 days (397 days of Office delay and 56 days of applicant delay). This application for patent term adjustment was timely filed with or prior to payment of the issue fee.[1]

Applicants assert that an adjustment for Office delay of 501 days, rather than 397 days, should be entered pursuant to 37 CFR 1.702(a)(1) for the period from fourteen months after the date the application was filed until the date the notice of allowance was mailed. Specifically, applicants argue that the Pre-

[1] PALM records indicate that the issue fee was paid on August 2, 2010.

Interview Communication (PIC) mailed on January 19, 2010, was not an Office action under 35 USC 132, and that the first action mailed by the USPTO was the Notice of Allowance mailed on May 3, 2010.

Applicants' argument is persuasive, to a point. In this case, applicants implicitly waived the First Action Interview Office action by submission of the amendment on March 9, 2010. Accordingly, the interview of March 8, 2010, is the first Office action in the application. As such, the 14 month period for Office delay stopped on March 8, 2010, and the period of adjustment for Office delay under 37 CFR 1.702(a)(1) is 445 days. The period of adjustment for Office delay of 397 days will be removed, and a period of 445 days will be entered.

Applicants further argue that the period of reduction for applicant delay of 56 days, for the filing of a supplemental response (IDS) filed on April 15, 2010, should be removed, and that the period of reduction for applicant delay should be 0 days.

Applicants' argument is persuasive, to the extent noted. As the interview on March 8, 2010 constituted the first Office action on the merits, the amendment filed on March 9, 2010, in response to the interview, is a reply under 35 U.S.C. 132. The IDS filed on April 15, 2010, was filed 37 days after the date after the day the reply was filed. Further the IDS was not expressly requested by the examiner and did not contain the statement in accordance with 37 CFR 1.704(d).

Therefore, pursuant to 37 CFR 1.704(c)(8), a reduction of 37 days for applicant delay is warranted. The period of reduction for applicant delay of 56 days will be removed, and a period of 37 days will be entered.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is four hundred eight (408) days (445 days of Office delay and 37 days of applicant delay).

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

The Office of Data Management has been advised of this decision. The application is thereby forwarded to the Office of Data

Management for issuance of the 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 if applicable, for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Copy of updated PALM calculation

Patent Term Adjustments

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

Application Number*: 11874652 Search | Explanation of PTA Calculation | Explanation of PTE Calculation

PTA Calculations for Application: 11874652

Application Filing Date	10/18/2007	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	397
A Delays	397	PTO Manual Adjustment	67
B Delays	0	Applicant Delay (APPL)	56
C Delays	0	Total PTA (days)	408

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
63	11/17/2010		P028	Adjustment of PTA Calculation by PTO		37	0
62	11/17/2010		P028	Adjustment of PTA Calculation by PTO	56		0
61	11/17/2010		P028	Adjustment of PTA Calculation by PTO	445		0
60	11/17/2010		P028	Adjustment of PTA Calculation by PTO		397	0
45	05/03/2010		MN/=.	Mail Notice of Allowance			0
44	04/28/2010		IREV	Issue Revision Completed			0
43	04/28/2010		DVER	Document Verification			0
42	04/28/2010		N/=.	Notice of Allowance Data Verification Completed			0
41	04/28/2010		DOCK	Case Docketed to Examiner in GAU			0
40	04/28/2010		CNTA	Notice of Allowability			0
39	04/15/2010		IDSC	Information Disclosure Statement considered			0
38	04/15/2010		RCAP	Reference capture on IDS			0
37	04/15/2010	02/18/2010	M844	Information Disclosure Statement (IDS) Filed		56	28
34	04/15/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
32	04/02/2010		EML_NTR	Email Notification			0
31	04/02/2010		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
30	03/08/2010		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
29	03/01/2010		FWDX	Date Forwarded to Examiner			0
28	02/18/2010		RPICO	Response to PICO-Request			0
27	01/19/2010	12/18/2008	MPICO	Mail Pre-Interview Communication	397		-1
26	01/15/2010		PICO	Pre-Interview Communication			0
22	11/25/2009		RFAI	Request for first action interview			0
21	11/25/2009		A.PE	Preliminary Amendment			0
23	11/20/2009		IDSC	Information Disclosure Statement considered			0
20	11/20/2009		M844	Information Disclosure Statement (IDS) Filed			0
19	11/20/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
14	10/23/2009		DOCK	Case Docketed to Examiner in GAU			0
13	10/15/2009		DOCK	Case Docketed to Examiner in GAU			0
11	06/16/2008		DOCK	Case Docketed to Examiner in GAU			0
10	02/21/2008		TI1050	Transfer Inquiry to GAU			0
9	02/04/2008		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
8	01/28/2008		OIPE	Application Dispatched from OIPE			0
7	11/07/2007		PGPC	Sent to Classification Contractor			0

6	11/07/2007	FLRCPT.O	Filing Receipt	0
4	10/24/2007	L194	Cleared by OIPE CSR	0
3	10/19/2007	SCAN	IFW Scan & PACR Auto Security Review	0
5	10/18/2007	NPRQ	PGPubs nonPub Request	0
2	10/18/2007	NPRQ	PGPubs nonPub Request	0
1	10/18/2007	IEXX	Initial Exam Team nn	0

Export to: Excel

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
12275 EL CAMINO REAL, SUITE 200
SAN DIEGO CA 92130

MAILED

JUN 06 2011

OFFICE OF PETITIONS

In re Application of :
Thomas J. Roberts :
Application No. 11/874,662 : DECISION ON PETITION
Filed: October 18, 2007 :
Attorney Docket No. 13RZ-129430 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 27, 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 properly reply in a timely manner to the final Office action mailed, September 1, 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 2, 2010. A Notice of Abandonment was mailed on April 6, 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 reply of the RCE (Request for Continued Prosecution) is not acceptable because the Office was unable to charge the fee of $405 from deposit account 50-4563.

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

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
12275 EL CAMINO REAL, SUITE 200
SAN DIEGO CA 92130

MAILED
JUL 05 2011
OFFICE OF PETITIONS

In re Application of :
Thomas J. Roberts :
Application No. 11/874,662 : DECISION ON PETITION
Filed: October 18, 2007 :
Attorney Docket No. 13RZ-129430 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 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 final Office action mailed September 1, 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 2, 2010. A Notice of Abandonment was mailed on April 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 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 3716 for appropriate action by the Examiner in the normal course of business on the reply received April 27, 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
www.uspto.gov

WPAT, PC
INTELLECTUAL PROPERTY ATTORNEYS
1100 QUAIL STREET, SUITE 202
NEWPORT BEACH CA 92660

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of	:	
Shang Cheng HUNG et al.	:	
Application No. 11/874,697	:	DECISION ON PETITION
Filed: October 18, 2007	:	
Attorney Docket No. 18506-097	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 24, 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 April 31, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed January 31, 2011. Accordingly, the date of abandonment of this application is May 01, 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 $755.00 and the publication fee of $300.00, (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

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

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

INTELLECTUAL PROPERTY MANAGEMENT
BOEING MANAGEMENT COMPANY
P.O. BOX 2515
MAIL CODE 110-SD54
SEAL BEACH, CA 90740-1515

Mail Date: 10/20/2010

Applicant	: David M. Dietrich	: DECISION ON REQUEST FOR
Patent Number	: 7661980	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/874,759	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/18/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Fish & Richardson PC
P.O.Box 1022
Minneapolis MN 55440

MAILED
JAN 17 2012
OFFICE OF PETITIONS

In re Patent No.8,054,750	:	
Claise, et al.	:	DECISION FOR REQUEST
Issue Date: November 8, 2011	:	FOR RECONSIDERATION
Application No. 11/874,799	:	OF PATENT TERM
Filed: October 18, 2007	:	ADJUSTMENT
Attorney Docket No. 26310-0270001	:	

This is a decision on the "Application for Patent Term Adjustment Under 37 CFR 1.705(d)," filed January 6, 2011. Patentees request that the patent term adjustment indicated on the face of the Letters of Patent be corrected from three hundred and thirty-four (334) days, to four hundred and sixty-one (461) days.

The request for reconsideration of the patent term adjustment under 37 CFR 1.705(d) is **DISMISSED**.

On November 8, 2011, the above-identified application matured into U.S. Patent No. 78,054,750, with a revised patent term of 334 days. By the instant petition, patentees assert that the patent term should be adjusted by 461 days pursuant to 37 CFR 1.702(b) and 37 CFR 1.703(b). Patentees state:

> Section 154(b)(1)(B)(i) of Title 35 excludes from the calculation of B Delay "any time consumed by continued examination of the application." In the present matter, a Request for Continued Examination was filed on June 8, 2010. The Director erred in the calculation of the patent term adjustment by subtracting from B Delay a period of time that was not "consumed by continued examination of the application." The PTO mailed a Notice of Allowance on July 5, 2011, thereby closing examination of the application on that date. Thus, no continued examination took place during 127 day period from July 5, 2011 (the mailing date of the Notice of

Allowance) until November 8, 2011 (the date the patent was issued). Accordingly, 127 days for "B Delay" should have been included in addition to the 0 days accorded by the Director for a total B Delay of 127 days.

Excerpt taken from "Application for Patent Term Adjustment Under 37 CFR 1.705(d)," filed January 6, 2012, p.3.

The Office's calculation of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued examination of the application at the request of the applicant under 35 U.S.C. 132(b)[1]. So, with respect to calculating the "B delay" where applicant has filed a request for continued examination, the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

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

---

[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.

examination is filed to the date the patent is issued is proper. Patentee does not dispute that time consumed by continued examination of an application under 35 U.S.C. 132(b) is properly excluded and that the calculation of the excluded period begins on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the request for continued examination is not any time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56366, 56376 (Sept. 18, 2000) (response to comment 8). Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

Patentee's argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

First, "Subject to the limitations of paragraph (2)," means that the limitations of paragraph 2 apply to this paragraph's adjustment of patent term. That is, the day-to-day extension of patent term for pendency beyond the 3 year period is restricted as follows: 1) "B delay" cannot accrue for days of "A delay" that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

Second, "if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States," meaning that the condition must first occur that the issuance of an original patent (35 U.S.C. 153), not merely the issuance of a notice of allowance, is delayed due to the Office's failure to issue a patent (sign and record a patent grant in the name of the United States), not merely mail a notice of allowance, within 3 years after the actual filing date of the application in the United States. This provision gives the Office a three-year period to issue a patent (sign and record a patent grant in the name of the United States) after the application filing date before an adjustment will accrue for "B delay."

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), meaning that the three-year period does not include "any time consumed by" or "any delay in processing," as specified in clauses (i)-(iii). This language correlates to 35 U.S.C. 154(b)(1)(A) which likewise provides the basis for determining the period given the Office to take the specified actions before an adjustment will accrue for "A delay" (e.g., extended for 1 day after the day after the period specified in clauses (i)-(iv)).

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, 580 F. Supp.2d 138(D.D.C., September 30, 2008), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The

time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

Thus, not including "any time consumed by" means not including any days used to prosecute the application as specified in clauses (i)-(ii)[2]. Clause (i) specifies "any time consumed by continued examination of the application requested by the applicant under section 132(b)." Clause (ii) specifies "any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court." "Time" in the context of this legislation throughout refers to days. "Consumed by" means used by or used in the course of. *Websters Collegiate Dictionary*, (11th ed.). The "any" signifies that the days consumed by are "any" of the days in the pendency of the application, and not just days that occur after the application has been pending for 3 years. As such, "any time consumed by" refers to any days used in the course of 1) continued examination of the application under section 132(b)(the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus, that 3-year period given to the Office to issue a patent before an adjustment will accrue for "B delay" does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

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.

---

[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.

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

[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.

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 8, 2010, and the patent issued by virtue of that request on November 8, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on June 8, 2010, and ending on November 8, 2011, is not included in calculating Office delay.

In view thereof, it is concluded that the patent term adjustment of 334 days indicated on the patent is correct.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
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

LAW OFFICE OF ROBERT E. KASODY,
PROFESSIONAL CORPORATION
6601 CENTER DRIVE WEST, SUITE #500
LOS ANGELES CA 90045

MAILED

OCT 12 2010

OFFICE OF PETITIONS

In re Application of	:	
ANDERSON, Roger B. et al.	:	
Application No. 11/874,831	:	DECISION ON PETITION
Filed: October 18, 2007	:	TO WITHDRAW
Attorney Docket No. **LBTECH.009A**	:	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 02, 2010.

The request is **NOT APPROVED**.

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

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 for Withdrawal.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **LOCATION BASED TECHNOLOGIES, INC.**
38 DISCOVERY, SUITE 150
IRVINE, CA 92618

UNITED STATES 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 LAW OFFICES OF ROBERT J. EICHELBURG
HODAFEL BUILDING, SUITE 200
196 ACTON ROAD
ANNAPOLIS MD 21403

MAILED

DEC 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Christos Dimitrios Dimitrakopoulos et al.	:	
Application No. 11/874,861	:	DECISION ON PETITION
Filed: October 18, 2007	:	
Attorney Docket No. YOR920060825US1 (1400-06)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 19, 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 January 29, 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 March 1, 2010. A Notice of Abandonment was mailed on October 4, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly the election 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 2811 for appropriate action by the Examiner in the normal course of business on the reply received November 19, 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

Rekluse Motor Sports, Inc.
110 E 43rd Street
Garden City ID 83714

MAILED
JAN 05 2011
OFFICE OF PETITIONS

In re Application of :
Youngwerth et al. :
Application No. 11/874,875 :
Filed: 10/18/2007 :
Title: APPARATUS AND SYSTEM FOR :
AUTOMATIC CENTRIFUGAL :
ENGAGEMENT OF A PRESSURE PLATE :

ON PETITION

This is in response to the petition, filed August 16, 2010, which is being treated as a petition under 37 CFR 1.182 to correct the inventors' names.

The Office notes that the application was filed by joint inventors Youngwerth, Dougherty, Patterson, Brown and Youngwerth. However, only inventor Albert J. Youngwerth signed the present petition.

37 CFR 1.33(b) states in pertinent part:

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

The Office records do not indicate that the inventors assigned their interests. Furthermore, there is no indication in the record that the joint inventors gave a power of attorney specifically to Albert J. Youngwerth to prosecute the application on their behalves. Therefore, all of the applicants must sign a petition in a joint application where the applicants have not given power of attorney. Accordingly, the petition cannot be accepted as it is not properly signed by a person having authority to prosecute the application without the signature of the other applicants. Consequently, the present petition will not be addressed on the merits until petitioner files a new petition signed by all the inventors.

The petition is **dismissed**. Any renewed petition should be entitled "Petition Under 37 CFR 1.182." No additional petition fee is required.

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

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

By 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.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Rekluse Motor Sports, Inc.
110 E 43rd Street
Garden City ID 83714

MAILED
MAR 03 2011
OFFICE OF PETITIONS

In re Application of :
YOUNGWERTH et al. :
Application No. 11/874,875 :
Filed: 10/18/2007 :
Attorney Docket No. 2316.2.8 :

ON PETITION

This is a decision on the renewed "Petition to the Director", filed January 28, 2011, to correct the names of the third, fourth, and fifth named inventors.

The petition is **granted**.

The name of the third inventor will be corrected from "Zane Patterson" to - - Zane A. Patterson - -. The name of the fourth inventor will be corrected from "Sean Brown" to - - Sean G. Brown - -. The name of the fifth inventor will be corrected from "Danny S. Youngwerth" to - - Daniel S. Youngwerth - -.

The Office records have been updated to reflect the correction of the inventors' names as noted above. A corrected filing receipt accompanies this decision.

This matter is being referred to Technology Center Art Unit 3655.

Inquiries regarding this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/874,875	10/18/2007	3655	730	2316.2.8	25	4

CONFIRMATION NO. 3417

CORRECTED FILING RECEIPT

96898
Rekluse Motor Sports, Inc.
110 E 43rd Street
Garden City, ID 83714

OC000000046298770

Date Mailed: 03/02/2011

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)

Albert J. Youngwerth, Boise, ID;
Michael E. Dougherty, Boise, ID;
Zane A. Patterson, Boise, ID;
Sean G. Brown, Boise, ID;
Daniel S. Youngwerth, Boise, ID;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/862,017 10/18/2006

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: 11/06/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/874,875**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

APPARATUS AND SYSTEM FOR AUTOMATIC CENTRIFUGAL ENGAGEMENT OF A PRESSURE PLATE

Preliminary Class

192

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).

Second Request

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 8/25/2011

TO SPE OF : ART UNIT 2167

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/874888 Patent No.: 7984049 B2

CofC mailroom date: 8/18/2011

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: _____

SPE

2167
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
AUG 09 2011
OFFICE OF PETITIONS

Fish & Richardson PC
P.O.Box 1022
Minneapolis MN 55440

In re Patent No. 7,953,741	:	DECISION ON REQUEST
Shih, et al.	:	FOR
Issue Date: May 31, 2011	:	RECONSIDERATION OF
Application No. 11/874,893	:	PATENT TERM ADJUSTMENT
Filed: October 18, 2007	:	and
Atty Docket No. 16113-0278003 / GP-935-02	:	NOTICE OF INTENT TO ISSUE
	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on July 29, 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 five hundred and eleven (511) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by **three hundred and seventy (370) days** is **GRANTED to the extent indicated herein**.

The instant petition was filed July 29, 2011. Patentees state, in pertinent part:

> Section 154(b)(1)(B)(i) of Title 35 excludes from the calculation of B Delay "any time consumed by continued examination of the application." In the present matter, a Request for Continued Examination were filed on October 21, 2010. The Director erred in the calculation of the patent term adjustment by subtracting from B Delay a period of time that was not "consumed by continued examination of the application." The PTO mailed a Notice of Allowance on January 10, 2011, thereby closing examination of the application on that date. Thus, no continued examination took place during the 142 day period from January 10, 2011 (the mailing date of the Notice of

Allowance) until May 31, 2011(the date the patent was issued). Accordingly, 142 days of B Delay should have been included in addition to the 2 days accorded by the Director for a total B Delay of 144 days.

The Office's calculation of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued examination of the application at the request of the applicant under 35 U.S.C. 132(b)[1]. So, with respect to calculating the "B delay" where applicant has filed a request for continued examination, the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

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

---

[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.

excluded and that the calculation of the excluded period begins on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the request for continued examination is not any time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56366, 56376 (Sept. 18, 2000) (response to comment 8). Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

Patentee's argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

First, "Subject to the limitations of paragraph (2)," means that the limitations of paragraph 2 apply to this paragraph's adjustment of patent term. That is, the day-to-day extension of patent term for pendency beyond the 3 year period is restricted as follows: 1) "B delay" cannot accrue for days of "A delay" that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

Second, "if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of

the application in the United States," meaning that the condition must first occur that the issuance of an original patent (35 U.S.C. 153), not merely the issuance of a notice of allowance, is delayed due to the Office's failure to issue a patent (sign and record a patent grant in the name of the United States), not merely mail a notice of allowance, within 3 years after the actual filing date of the application in the United States. This provision gives the Office a three-year period to issue a patent (sign and record a patent grant in the name of the United States) after the application filing date before an adjustment will accrue for "B delay."

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), meaning that the three-year period does not include "any time consumed by" or "any delay in processing," as specified in clauses (i)-(iii). This language correlates to 35 U.S.C. 154(b)(1)(A) which likewise provides the basis for determining the period given the Office to take the specified actions before an adjustment will accrue for "A delay" (e.g., extended for 1 day after the day after the period specified in clauses (i)-(iv)).

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, 580 F. Supp.2d 138(D.D.C., September 30, 2008), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

Thus, not including "any time consumed by" means not including any days used to prosecute the application as specified in clauses (i)-(ii)[2]. Clause (i) specifies "any time consumed by continued examination of the application requested by the applicant under section 132(b)." Clause (ii) specifies "any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court." "Time" in the context of this legislation throughout refers to days. "Consumed by" means used by or used in the course of. *Websters Collegiate Dictionary*, (11th ed.). The "any" signifies that the days consumed by are "any" of the days in the pendency of the application, and not just days that occur after the application has been pending for 3 years. As such, "any time consumed by" refers to any days used in the course of 1) continued examination of the application under section 132(b)(the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus, that 3-year period given to the Office to issue a patent before an adjustment will accrue for "B delay" does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

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,

---

[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.

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

[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.

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 October 21, 2010, and the patent issued by virtue of that request on May 31, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on October 21, 2010, and ending on May 31, 2011, is not included in calculating Office delay.

It is noted that a 1-day reduction to the patent term adjustment was made pursuant to 37 CFR 1.704(c)(10) for the payment of the issue fee on Monday, April 11, 2011—three months and 1 day after the Notice of Allowance was mailed. This reduction has been reconsidered, and it is determined that entry of a reduction for this reply timely filed pursuant to 35 U.S.C. §21(b) is not warranted. **Accordingly, the period of reduction of 1 day is being removed.**

Accordingly, the revised patent term adjustment is 370 days (398 days "A" delay + 2 days "B" delay - 0 days of overlap - 30 days of applicant delay.)

The petition fee of $200.00 required by 37 CFR 1.18 will be charged to deposit account 06-1050.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

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

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **three hundred and seventy (370)** days.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,953,741 B2

DATED : May 31, 2011

INVENTOR(S) : Shih, 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 (369) days

Delete the phrase "by 369 days" and insert – by 370 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TUE NGUYEN
496 OLIVE AVE
FREMONT, CA 94539

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of
Sheats
Application No. 11/874,907
Filed: October 19, 2007
Attorney Docket No. IC009A1

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 18, 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 August 17, 2009. 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 November 18, 2009. A Notice of Abandonment was mailed on November 30, 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 $755 issue fee and $300 publication fee, (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) 272-3215.

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

Charlema Grant
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ——

DATE : 3/30/2011

TO SPE OF : ART UNIT 2891

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/874908 Patent No.: 7884351 B2

CofC mailroom date: 3/22/2011

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

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

Comments: _____

K Bryant
SPE

2891
Art Unit

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	11875072
Filing Date	19-Oct-2007
First Named Inventor	Trace Cawley
Art Unit	3775
Examiner Name	CHRISTIAN SEVILLA
Attorney Docket Number	33939/14
Title	CERVICAL PLATE LOCKING MECHANISM AND ASSOCIATED SURGICAL METHOD

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 32642

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

10.40(b)(4)

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 address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 102983

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/R. Whitney Johnson/
Name	R. Whitney Johnson
Registration Number	62997

UNITED STATES 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 13, 2012

In re Application of :

Trace Cawley

Application No : 11875072

Filed : 19-Oct-2007

Attorney Docket No : 33939/14

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 February 13, 2012

The request is **APPROVED**

The request was signed by R. Whitney Johnson (registration no. 62997) on behalf of all attorneys/agents associated with Customer Number 32642 . All attorneys/agents associated with Customer Number 32642 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 102983 .

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

Paper No.

GEORGE A. WILLINGHAN, III
AUGUST LAW, LLC
P.O. BOX 19080
BALTIMORE MD 21284-9080

MAILED

DEC 14 2010

OFFICE OF PETITIONS

In re Application of :
Chieu et al. : DECISION ON PETITION
Application No. 11/875,087 :
Filed: October 19, 2007 :
Atty Docket No.YOR920070465US1:

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed October 2, 2010.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed January 6, 2010. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply considered filed and no extension of time obtained, the application became abandoned effective April 7, 2010. A courtesy Notice of Abandonment was mailed August 2, 2010.

The petition includes the required reply in the form of an amendment, payment of the petition fee and the required statement of unintentional delay. No terminal disclaimer is required.

Technology Center AU 2166 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed October 2, 2010.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Best Available Copy

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 01-14-12

TO SPE OF : ART UNIT 3673

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/875090 Patent No.: 7481086

CofC mailroom date: 12-22-11

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: Correction is approved.

Christopher Boswell /cb/

SPE /Peter Cuomo/ **Art Unit** 3673

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
MAY 09 2011
OFFICE OF PETITIONS

In re Application of :
Pedro ALFONSO et al :
Application No. 11/875,243 : DECISION ON PETITION
Filed: October 19, 2007 :
Attorney Docket No. CEN5155USNP :

This is a decision on the petition, filed May 5, 2011, to expunge information from an application and to correct the file contents above identified application. The petition will be considered under 37 CFR 1.181.

The petition is **GRANTED**.

Petitioner, in substance, requests that the instant application contents be corrected to show that the communication to the Office filed April 13, 2011 contained an Amendment and Response to Final Office Action, Notice of Appeal, an Extension of Time fee, and Notice of Appeals fee. Petitioner indicates that it appears that several pages of the response were scanned into an unrelated application pending in the Office.

A review of the file indicates that sufficient status identifiers were submitted with the communication filed April 13, 2011, and the mistake was due to Office error. The copy of the submitted response filed with the petition on May 5, 2011 will be sent for scanning into the file of the abovementioned application, and the Notice of Appeals fee of $540.00 will be charged to petitioner's deposit account no. 10-0750. The petition is granted.

Telephone inquiries concerning this communication should be directed to the undersigned at 571-272-0602.

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

MERCHANT & GOULD
SCIENTIFIC ATLANTA, A CISCO COMPANY
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

MAILED

SEP 08 2010

OFFICE OF PETITIONS

In re Application of :
Martin W. McKinnon, III, et al. :
Application No.: 11/875,369 :
Filed: October 19, 2007 :
Attorney Docket No.: 60374.0028USC1/968731 :

ON PETITION

This is a decision on the petition, filed September 7, 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 July 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2445 for further processing of the Request for Continued Examination (RCE) 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

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

Patent No. :7795582
Ser. No. :11/875415
Inventor(s) :David R. Jez, Frank M. Haran
Issued :9/14/2010
Title : SYSTEM ANMD METHOD OF MONITORING WITH TEMPERATURE STABILIZATION
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

Jetter & Associates P.A.
8295 North Military Trail, Suite F
Palm Beach Gardens, FL 33410

HR

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HONEYWELL/JETTER & ASSOC.
PATENT SERVICES
101 Columbia Road
P.O. Box 2245
Morristown NJ 07962-2245

MAILED

DEC 01 2010

OFFICE OF PETITIONS

In re Patent No. 7,795,582
Issue Date: September 14, 2010
Application No. 11/875,415
Filed: October 19, 2007
Attorney Docket No. H0015816-0108

DECISION ON PETITION

This is a decision on the Petition To Correct Name Of Assignee On Patent, filed September 21, 2010, which is being treated as a Petition Under 37 CFR §3.81(b), to identify the correct assignee's name and residence. 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 correct the assignee's name and residence on the previously submitted PTOL 85B. 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 assignee's name identified thereon from:

"Honeywell International Inc., Morristown, NJ (US)"

to:

--Honeywell ASCA Inc., 3333 Unity Drive, Mississauga ON, L5L 3S6, Canada--

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 $400.00 petition fee (Fee Code 1462), as set forth under 37 CFR 1.17(f) have been submitted. However, a requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), is required. Therefore, the remaining $270.00 will be credited to petitioner's deposit account. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form PTO/SB/44 submitted with the Petition.

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.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,795,582.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

cc: Jetter & Associates, P.A.
8295 North Military Trail Suite F
Palm Beach Gardens, FL 33410

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of	:	
KIELB, John Allan	:	
Application No. 11/875,420	:	DECISION ON PETITION
Filed: October 19, 2007	:	TO WITHDRAW
Attorney Docket No. **14426.0008US01**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 18, 2010.

The request is **NOT APPROVED.**

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **DALE NUGENT**
5734 STINSON PARKWAY
MINNEAPOLIS, MN 55418

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of	:	
KIELB, John A.	:	
Application No. 11/875,420	:	DECISION ON PETITION
Filed: October 19, 2007	:	TO WITHDRAW
Attorney Docket No. **14426.0008US01**	:	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 20, 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.

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 for Withdrawal.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **RIVATEK, INC.**
2734 STINSON PARKWAY
MINNEAPOLIS, MN 55418

UNITED STATES 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

OCT 01 2010

OFFICE OF PETITIONS

PATENT VENTURE GROUP
10788 CIVIC CENTER DRIVE
SUITE 215
RANCHO CUCAMONGA CA 91730

In re Application of	:	
Lan Van TA	:	
Application No. 11/875,439	:	DECISION ON PETITION
Filed: October 19, 2007	:	TO WITHDRAW
Attorney Docket No. LANTP002	:	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 30, 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 Joe A. Brock II on behalf of the attorneys of record associated with Customer No. 52785.

The attorneys of record associated with Customer No. 52785 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.

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: LAN VAN TA
8188 DAY CREEK BLVD, STE 100
RANCHO CUCAMONGA, CA 91739

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/875,439	10/19/2007	Lan Van Ta	LANTP002

CONFIRMATION NO. 4396

POWER OF ATTORNEY NOTICE

52785
PATENT VENTURE GROUP
10788 CIVIC CENTER DRIVE
SUITE 215
RANCHO CUCAMONGA, CA 91730

OC000000043799575

Date Mailed: 09/30/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/30/2010.

- 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

UNITED STATES 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. : 7,745,638 B2
Ser. No. : 11/875,470
Inventor(s) : Berdini et al.
Issued : June 29, 2010
Title : 3,4- DISUBSTITUTED 1H-PYRAZOLE COMPOUNDS AND THEIR USE AS CYCLIN DEPENDENT KINASE AND GLYCOGEN SYNTHASE KINASE-3 MODULATORS
Docket No. : 3073.003C
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

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

HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY, NY 12203

MAILED
APR 04 2011
OFFICE OF PETITIONS

In re Patent No. 7,745,638 :
Issue Date: June 29, 2010 :
Application No. 11/875,470 : ON PETITION
Filed: October 19, 2007 :
Attorney Docket No. 3073.003C :

This is a decision on the petition filed March 2, 2011, under 37 CFR 3.81(b)[1] to correct the assignee's name by deleting "The Institute of Cancer Research: Royal Cancer Hospital, London (GB): and Cancer Research Technology Limited, London (GB)" on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **granted.**

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3210. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This application is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Irvin Dingle
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
www.uspto.gov

FISH & RICHARDSON PC
PO BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED
MAR 19 2012
OFFICE OF PETITIONS

In re Patent No. 8,085,792	: DECISION ON
Aly Mohamed	: REQUEST FOR RECONSIDERATION
Application No. 11/875,531	: of PATENT TERM ADJUSTMENT
Issue Date: December 27, 2011	:
Filed: October 19, 2007	:
Attorney Docket No. 16113-0757001	:

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(d)", filed February 23, 2012, requesting that the patent term adjustment indicated on the above-identified patent be corrected from one hundred (100) days to one hundred twelve (112) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein.**

On December 27, 2011, the instant application matured into U.S. Patent No. 8,085,792 with a patent term adjustment of one hundred (100) days. The Office determined a patent term adjustment of 100 days based upon 259 days of "A" delay and 0 days of "B" delay, reduced by 159 days of Applicant delay.

Petitioner argues that even though he filed an RCE on September 27, 2010, he should be awarded 37 CFR 1.703(b) "over three year" delay from the time the Office mailed a Notice of Allowance on September 16, 2011 until the issue date of the patent. In other words, Petitioner argue that no continued examination took place during this time period, and the Office should be accorded 103 additional days of delay pursuant to 37 CFR 1.703(b). Petitioner's argument has been considered, but is not persuasive.

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

Petitioner's arguments have been considered, but not found persuasive. The Office calculated the period of "B delay" pursuant to 37 CFR 1.702(b)(1) as 0 days based on the application having been filed on October 19, 2007, and a request for continued examination under 132(b)

having been filed on September 27, 2010. In other words, the 103 day period beginning on the date of mailing of the Notice of Allowance on September 16, 2011 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]. So, with respect to calculating the "B delay" where applicant has filed a request for continued examination, the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

Further, counting the period of time excluded from the "B delay" for the filing of a request for continued examination under 35 U.S.C. 132(b), from the date on which the request for continued examination is filed to the date the patent is issued is proper. Petitioner does not dispute that time consumed by continued examination of an application under 35 U.S.C. 132(b) is properly excluded and that the calculation of the excluded period begins on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the request for continued examination is not any time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56366, 56376 (Sept. 18, 2000) (response to comment 8).

---

[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.

Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

Petitioner's argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

First, "Subject to the limitations of paragraph (2)," means that the limitations of paragraph 2 apply to this paragraph's adjustment of patent term. That is, the day-to-day extension of patent term for pendency beyond the 3 year period is restricted as follows: 1) "B delay" cannot accrue for days of "A delay" that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

Second, "if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States," meaning that the condition must first occur that the issuance of an original patent (35 U.S.C. 153), not merely the issuance of a notice of allowance, is delayed due to the Office's failure to issue a patent (sign and record a patent grant in the name of the United States), not merely mail a notice of allowance, within 3 years after the actual filing date of the application in the United States. This provision gives the Office a three-year period to issue a patent (sign and record a patent grant in the name of the United States) after the application filing date before an adjustment will accrue for "B delay."

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), meaning that the three-year period does not include "any time consumed by" or "any delay in processing," as specified in clauses (i)-(iii). This language correlates to 35 U.S.C. 154(b)(1)(A) which likewise provides the basis for determining the period given the Office to take the specified actions before an adjustment will accrue for "A delay" (e.g., extended for 1 day after the day after the period specified in clauses (i)-(iv)).

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, (580 F. Supp. 2d 138), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

Thus, not including "any time consumed by" means not including any days used to prosecute the application as specified in clauses (i)-(ii)[2]. Clause (i) specifies "any time consumed by continued examination of the application requested by the applicant under section 132(b)." Clause (ii) specifies "any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court." "Time" in the context of this legislation throughout refers to days. "Consumed by" means used by or used in the course of. Websters Collegiate Dictionary, (11th ed.). The "any" signifies that the days consumed by are "any" of the days in the pendency of the application, and not just days that occur after the application has been pending for 3 years. As such, "any time consumed by" refers to any days used in the course of 1) continued examination of the application under section 132(b)(the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus, that 3-year period given to the Office to issue a patent before an adjustment will accrue for "B delay" does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

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

---

[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.

the request of the applicant, for continued examination of an application for a fee (request for continued examination or RCE practice), without requiring the applicant to file a continuing application under 37 CFR 1.53(b) or a continued prosecution application (CPA) under 37 CFR 1.53(d). Thus, clause (i) is different from clause (ii) in that clause (i) refers to an examination process whereas clause (ii) refers to time consumed by proceedings (interferences, secrecy orders and appeals) in an application.

By nature, the time used in the course of the examination process continues to issuance of the patent. The examination process involves examining the application to ascertain whether it appears that the applicant is entitled to a patent under the law. See 35 U.S.C. 131 ("[t]he Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor"). If on examination it appears that the applicant is entitled to a patent, the USPTO issues a notice of allowance. See 35 U.S.C. 151 ("[i]f it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant"). If on examination it appears that the applicant is not entitled to a patent, the USPTO issues a notice (an Office action) stating the applicable rejection, objection, or other requirement, with the reasons therefor. See 35 U.S.C. 132 ("[w]henever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application"). Neither the issuance of a notice of allowance nor the issuance of an Office action terminates the examination process. If after the issuance of an Office action under 35 U.S.C. 132 it subsequently appears that the applicant is entitled to a patent (e.g., in response to an argument or amendment by the applicant), the USPTO will issue a notice of allowance. Conversely, if after the issuance of a notice of allowance under 35 U.S.C. 151 it subsequently appears that the applicant is not entitled to a patent (e.g., in response to information provided by the applicant or uncovered by the USPTO), the USPTO will withdraw the application from issuance and issue an Office action under 35 U.S.C. 132 stating the applicable rejection, objection, or other requirement, with the reasons therefor.

As held in Blacklight Power, the USPTO's responsibility to issue a patent containing only patentable claims does not end with the issuance of a notice of allowance under 35 U.S.C. 151. See BlackLight Power, Inc. v. Rogan, 295 F.3d 1269, 1273 (Fed. Cir. 2002). Rather, if there is any substantial, reasonable ground within the knowledge or cognizance of the Director as to why an application should not issue, it is the USPTO's duty to refuse to issue the patent even if a notice of allowance has previously been issued for the application. See In re Drawbaugh, 9 App. D.C. 219, 240 (D.C. Cir 1896).

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is pending before the USPTO (i.e., until a patent is granted or the application is abandoned). See 37 CFR 1.56(a) ("[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or

withdrawn from consideration, or the application becomes abandoned"). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination 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 September 27, 2010, and the patent issued by virtue of that request on December 27, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on September 27, 2010 and ending on December 27, 2011 is not included in calculating Office delay.

In addition, petitioner also states that he was assessed Applicant delay of 30 days for filing a response to a May 28, 2010 Office action on September 27, 2010, but that he should have instead been assessed Applicant delay of 28 days because the due date (August 28, 2010) fell on a weekend. Petitioner's argument has been considered, and found to be persuasive.

Lastly, petitioner points the Office's attention that he should have been assessed additional delay of 93 days pursuant to 37 CFR 1.704(c)(7). Applicant filed a reply to a non-final Office action on February 17, 2010. Thereafter, Applicant filed a supplemental reply on May 20, 2010. As such, 93 days of Applicant delay should have been assessed under 37 CFR 1.704(c)(7). The Office thanks petitioner for his good faith and candor.

---

[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

In view thereof, the correct number of days of patent term adjustment is **nine (9) days** (259 days of "A" delay, reduced by 250 (95+93+28+34) 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 **nine (9) days.**

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

Cliff

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

DRAFT CERTIFICATE OF CORRECTION

PATENT : 8,085,792 B2

DATED : **December 27, 2011**

INVENTOR(S) : Aly Mohamed

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 100 days.

Delete the phrase "by 100 days" and insert – by 9 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Foley & Lardner LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

MAILED

AUG 22 2011

OFFICE OF PETITIONS

In re Application of :
Rhoads :
Application No. 11/875,551 : ON APPLICATION FOR
Filed: October 19, 2007 : PATENT TERM ADJUSTMENT
Atty Docket No. **098888-2104** :

This is in response to the "Request for Reconsideration of Patent Term Adjustment for Patent Application under 37 CFR 1.705(b)" filed August 12, 2011. Applicant submits that the patent term adjustment is eight hundred and eighteen (818) days, not six hundred and twenty (620) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent and overlap considerations.

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].

It is noted that any period of adjustment will be entered in light of 35 U.S.C. 154(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 —

[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.

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

It is further noted that a Request for Continued Examination (RCE) was filed in this application on May 6, 2011.

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) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
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.
11/875,570	10/19/2007	Robert FRANK	029310.59514US	4615

23911 7590 09/30/2011
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER
LOEWE, SUN JAE Y

ART UNIT	PAPER NUMBER
1622	

MAIL DATE	DELIVERY MODE
09/30/2011	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

SEP 3 0 2011

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

J. D. Evans
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

In re Application of	:
Robert FRANK	:Decision on Petition
Serial No.: 11/875,570	:
Filed : 19 October 2007	:
Attorney Docket No.:029310.5951US	:

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 26 September 2011 requesting reconsideration of the restriction requirement dated 21 March 2011.

BACKGROUND

This application was filed as a national application under 35 USC 111(a). As such, this application is entitled to US restriction practice.

A complete review of the file history is summarized in the petition decision mailed 30 March 2009, which withdrew the restriction requirement mailed 14 May 2008.

On 21 October 2010, the Office decided to re-open prosecution in pre-appeal brief summary.

On 27 December 2010, the examiner set forth a second restriction requirement made between Group I, II, and III.

On 26 January 2011, applicants responded with an election and a traversal that Group I and II were identical in their description.

On 21 March 2011 the examiner set forth a third restriction requirement made between Group I, II, III and IV. The examiner did not address the traversal or indicate whether the second restriction requirement was withdrawn or maintained.

On 21 April 2011, applicant elected Group I with traverse.

On 28 June 2011, the examiner considered the traversal and made the restriction requirement FINAL. The claims were objected to for containing non-elected subject matter. The examiner indicated that the subject matter of Group I was novel and non-obvious. No rejection was set forth, nor was any claim indicated as allowable.

On 26 September 2011, applicants filed a response to the Office action and this petition.

DISCUSSION

The file history and petition have been considered carefully.

At the onset, it is noted that the third restriction does not address the disposition of the second restriction requirement. This is counter to MPEP 814 which requires that the examiner must clearly indicate how an application has been restriction.

> 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.

Turning now to the merits of the petition, the petition points out that the examiner has placed Markush claims into groups for the purposes of restriction. Because applicant's claims are drafted in Markush-type format, the petition argues that they should be considered under the guidelines of MPEP 803.02. This is persuasive. 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).52 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)."

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 on 26 September 2011 is **GRANTED**.

The 27 December 2010 restriction requirement made between Groups I, II, and III has been withdrawn.

The 21 March 2011 restriction requirement made between Groups I, II, III and IV has been withdrawn.

The non-final Office action mailed 28 June 2011 is withdrawn as incomplete for neither indicating allowability nor rejection of each of the examined claims.

The objection to the claims for containing non-elected subject matter outside the scope of Group I is withdrawn.

The application will be forwarded to the examiner for preparation of an Office action on the merits directed to Claims 1-25. Markush claims are to be examined according to the guidance in the Federal register Notice.

In keeping with MPEP 707.02, because this application is up for a third or subsequent Office action, the Supervisory Patent Examiner will review the remainder of the Office actions with a view to finally conclude its prosecution.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 2-28-12 Paper No.: _____

TO SPE OF : ART UNIT 2462

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/875,576 Patent No.: 7978646

CofC mailroom date: 2-20-12

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

FOR IFW FILES: Should Cofc be approved

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

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

FOR PAPER FILES:

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

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

Certificates of Correction Branch

703-756-1814 _____

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

/Yemane Mesfin/ 2462

SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : March 21, 2012

TO SPE OF : ART UNIT 2629
SUBJECT : Request for Certificate of Correction for Appl. No.: 11/875,580 , Patent No.: 7518575

Co f C mailroom date: 1-12-2010

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: All changes have been approved._____

_____

_____

_____

/Sumati Lefkowitz/_____ _2629_____
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROSENBAUM & SILVERT, P.C.
1480 TECHNY ROAD
NORTHBROOK IL 60062

MAILED
JUL 06 2011
OFFICE OF PETITIONS

In re Application of :
Denes Marton :
Application No. 11/875,629 : ON PETITION
Filed: October 19, 2007 :
Attorney Docket No. 6006-210 :

This is a decision on the renewed petition filed June 22, 2011, under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed April 12, 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 13, 2010. A Notice of Abandonment was mailed on January 11, 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 $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 1724 for appropriate action by the Examiner in the normal course of business on the reply received June 22, 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
www.uspto.gov

TOWNSEND AND TOWNSEND AND CREW, LLP/Apple
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

OCT 29 2010

OFFICE OF PETITIONS

In re Application of :
FADELL, et al. :
Application No. 11/875,638 :
Filed: October 19, 2007 :
Attorney Docket No. **20750P-000930US** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed October 5, 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) and 75 Federal register Notice 36063 (June 24, 2010).

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 and 75 FR 36063 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;

(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) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) 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

c) 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 that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

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 Brian W. Brown at 571-272-5338.

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 Office of Patent Application Processing for further processing commensurate with this decision.

Brian W. Brown
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

OPTIMAL INNOVATIONS, INC.
1001 West 4th Street
Winston-Salem, NC 27101

MAILED

AUG 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Roland Schoettle	:	
Application No. 11/875,712	:	DECISION ON
Filed: October 19, 2007	:	PETITION TO WITHDRAW
Attorney Docket No. 74268/PO35US/10715040	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 15, 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 Michael T. Morlock on behalf of all attorneys/agents associated with customer number 84343. All attorneys/agents associated with customer number 84373 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Zhenggang Yang
7334 53rd Avenue
Maspeth, NY 11378

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/875,712	10/19/2007	Roland Schoettle	74268/P035US/10715040

CONFIRMATION NO. 4881

POWER OF ATTORNEY NOTICE

84373
OPTIMAL INNOVATIONS, INC.
1001 West 4th St.
Winston-Salem, NC 27101

OC000000042826742

Date Mailed: 07/30/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/15/2010.

- 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

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

FISH & RICHARDSON P.C.
P.O. Box 1022
MINNEAPOLIS MN 55440-1022

MAILED
MAR 17 2011
OFFICE OF PETITIONS

In re Application of	:	
Clark et al.	:	DECISION ON
Application No. 11/875,764	:	APPLICATION FOR
Filed: 10/19/2007	:	PATENT TERM ADJUSTMENT
Attorney Docket No.	:	
07844-868001/P762	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT" filed on January 21, 2011. Applicants request that the initial determination of Patent Term Adjustment for the above-identified patent be corrected from 602 days to 699 days.

The application for patent term adjustment patent is **GRANTED TO THE EXTENT INDICATED**.

The Office has updated the PALM and PAIR screen to reflect that the Patent Term Adjustment (PTA) at the time of the mailing of the Notice of Allowance is 683 days. A copy of the updated PALM screen, showing the revised determination, is enclosed.

On November 18, 2010, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) in the above-identified application, stating that the patent term adjustment to date was 621 days (621 days of Office delay and 0 days of applicant delay).[1] This application for patent term adjustment was timely filed with or prior to payment of the issue fee.[2]

Applicants assert that an adjustment for Office delay of 699 days, rather than 602 days, should be entered pursuant to 37 CFR 1.702(a)(1) for the period from fourteen months after the day after the date the application was filed until the date the

[1] Office PALM records indicate the Patent Term Adjustment as of the filing of the present application for patent term adjustment is 602 days (621 days of Office delay less 19 days of applicant delay). The patent term adjustment is also stated as 602 days, rather than 621 days, in the subject application for patent term adjustment.

[2] PALM records indicate that the issue fee was paid on January 21, 2011.

first Office action was mailed. Applicants assert, in essence, that the Notice of Allowance mailed on December 3, 2010, was the first Office action.

The Request for First Action Interview (Enhanced Pilot Program) was filed on November 19, 2009, during the enhanced pilot program. Accordingly, the provisions of the Enhanced First Action Interview Pilot Program[3] govern.

On November 2, 2010, a First Action Interview Office Action Summary was mailed. Agreement with respect to the claims was not reached. Accordingly, the First Action Interview Office Action is the first Office action. As such, the 14 month period for Office delay stopped on November 2, 2010, and the period of adjustment for Office delay under 37 CFR 1.702(a)(1) is 683 days. The period of adjustment of 621 days will be removed, and a period of adjustment of 683 days will be entered.

Applicants further argue that the period of reduction of 19 days for applicant delay in filing an IDS on October 18, 2010, 19 days after the filing of a reply filed on September 29, 2010, should be removed.

Applicants' argument is persuasive. As a first Office action was not mailed until November 2, 2010, the papers filed on September 29, 2010, were not a reply within the meaning of 37 CFR 1.702(a). Consequently, the IDS filed on October 18, 2010 is not a supplemental reply within the meaning of § 1.704(c)(8). Accordingly, the 19 day period of reduction for applicant delay is not warranted and will be removed.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is six hundred eighty-three (683) days (683 days of Office delay and 0 days of applicant delay).

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

The Office of Data Management has been advised of this decision. The application is thereby forwarded to the Office of Data Management for issuance of the patent. The patent term

[3] 1347 O.G. 170, 173 (October 20, 2009).

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 if applicable, for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Copy of updated PALM calculation

Patent Term Adjustments

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

Application Number*: 11875764 Search | Explanation of PTA Calculation | Explanation of PTE Calculation

PTA Calculations for Application: 11875764

Application Filing Date	10/19/2007	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	621
A Delays	621	PTO Manual Adjustment	81
B Delays	0	Applicant Delay (APPL)	19
C Delays	0	Total PTA (days)	683

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
67	03/16/2011		P028	Adjustment of PTA Calculation by PTO	683		0
66	03/16/2011		P028	Adjustment of PTA Calculation by PTO		621	0
65	03/16/2011		P028	Adjustment of PTA Calculation by PTO	19		0
57	12/03/2010		MN/=.	Mail Notice of Allowance			0
56	12/03/2010		MEX.A	Mail Examiner's Amendment			0
55	12/01/2010		N/=.	Notice of Allowance Data Verification Completed			0
52	12/01/2010		EX.A	Examiner's Amendment Communication			0
51	12/01/2010		CNTA	Allowability Notice			0
49	12/01/2010		FWDX	Date Forwarded to Examiner			0
54	11/15/2010		IREV	Issue Revision Completed			0
53	11/15/2010		DVER	Document Verification			0
50	11/02/2010		LET.	Miscellaneous Incoming Letter			0
34	11/02/2010		EML_NTR	Email Notification			0
31	11/02/2010		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
35	10/18/2010	09/29/2010	EIDS.	Electronic Information Disclosure Statement		19	48
32	10/18/2010		IDSC	Information Disclosure Statement considered			0
29	10/18/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
30	10/08/2010		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
48	09/29/2010		RPICO	Response to PICO-Request			0
28	09/01/2010	12/19/2008	MPICO	Mail Pre-Interview Communication	621		0.5
27	08/27/2010		PICO	Pre-Interview Communication			0
22	05/11/2010		DOCK	Case Docketed to Examiner in GAU			0
21	05/07/2010		DOCK	Case Docketed to Examiner in GAU			0
20	11/19/2009		RFAI	Request for first action interview			0
16	02/10/2009		CLSS	CASE CLASSIFIED BY OIPE			0
24	01/08/2009		IDSC	Information Disclosure Statement considered			0
18	01/08/2009		RCAP	Reference capture on IDS			0
17	01/08/2009		M844	Information Disclosure Statement (IDS) Filed			0
15	01/08/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
14	12/03/2008		TI1050	Transfer Inquiry to GAU			0
11	03/29/2008		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
10	01/28/2008		OIPE	Application Dispatched from OIPE			0
9	11/13/2007		PGPC	Sent to Classification Contractor			0
8	11/13/2007		FLRCPT.O	Filing Receipt			0
6	10/31/2007		L194	Cleared by OIPE CSR			0
4	10/23/2007		SCAN	IFW Scan & PACR Auto Security Review			0
23	10/19/2007		IDSC	Information Disclosure Statement considered			0
13	10/19/2007		RCAP	Reference capture on IDS			0
12	10/19/2007		M844	Information Disclosure Statement (IDS) Filed			0
7	10/19/2007		NPRQ	PGPubs nonPub Request			0
3	10/19/2007		WIDS	Information Disclosure Statement (IDS) Filed			0
2	10/19/2007		NPRQ	PGPubs nonPub Request			0
1	10/19/2007		IEXX	Initial Exam Team nn			0
0.5	10/19/2007		EFILE	Filing date			0

Export to: Excel

UNITED STATES 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

OCT 22 2010

OFFICE OF PETITIONS

PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON TX 77056

In re Application of	:	
Ming-Kia CHEN, et al	:	
Application No. 11/875,783	:	DECISION ON PETITION
Filed: October 19, 2007	:	
Attorney Docket No. NVDA/P003618	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 1, 2010, 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 May 4, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on 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 corrected drawings, (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

The Examiner assigned to this application has approved the corrected drawings filed with the petition on October 1, 2010.

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

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

/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

THE LAW OFFICES OF ROBERT J. EICHELBURG
HODAFEL BUILDING, SUITE 200
196 ACTON ROAD
ANNAPOLIS MD 21403

MAILED
JUL 05 2011
OFFICE OF PETITIONS

In re Application of :
Martin BURKHARDT et al. : ON PETITION
Application No. 11/875,798 :
Filed: October 19, 2007 :
Atty. Docket No.: YOR920060825US1 (1400.00

This is a decision on the petition under 37 CFR 1.137(b), 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 Requirement for Restriction mailed October 7, 2010, which set a shortened period for reply of one (1) month. No reply was sent, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application became abandoned November 8, 2010. A Notice of Abandonment was mailed May 4, 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 Requirement for Restriction mailed October 7, 2010, (2) a petition fee of $1620, and (3) a statement of unintentional delay. The reply to the Requirement for Restriction is accepted as having been unintentionally delayed.

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

The application file will be referred to Technology Center Art Unit 1722 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
www.uspto.gov

MAILED
JAN 27 2012
OFFICE OF PETITIONS

STRATEGIC PATENTS PC
C/O CPA GLOBAL
PO BOX 52050
MINNEAPOLIS MN 55402

In re Patent No. 8,078,336	:	DECISION ON
Rawls-Meehan	:	PATENT TERM ADJUSTMENT
Issue Date: December 13, 2011	:	AND NOTICE OF INTENT
Application No. 11/875,863	:	TO ISSUE
Filed: October 20, 2007	:	CERTIFICATE OF
Attorney Docket No. REVE-0002-P29	:	CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT", filed December 23, 2011. Patentees request that the patent term adjustment indicated on the patent be corrected from twenty-five (25) days to seventy-three (73) days.

The petition is **GRANTED**.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **seventy-three (73)** days.

On December 13, 2011, the above-identified application matured into U.S. Patent No. 8,078,336. Patentees timely filed the instant application for patent term adjustment under 37 CFR 1.705(d) on December 23, 2011. Patentees assert that they should not have been assessed applicant delay of one hundred twenty (120) days for the submission of a supplemental IDS on August 11, 2011, subsequent to a reply filed on May 31, 2011. Rather,

Patentees assert that they should have only been assessed applicant delay of seventy-two (72) days.

Patentee's argument has been considered, and found to be persuasive.

In view thereof, the correct determination of PTA at the time of issuance is seventy-three (73) days (306 days of "A" delay and 0 days of "B" delay, reduced by 233 days of applicant delay.

The $200.00 fee set forth in 37 CFR §1.18(e) has been charged to Deposit Account No. 50-4262, as authorized. The fee is required for the filing of an application for patent term adjustment.

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 **seventy-three (73)** days subject to any disclaimers.

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

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: draft certificate of correction

UNITED STATES PATENT AND TRADEMARK OFFICE

DRAFT CERTIFICATE OF CORRECTION

PATENT : 8,078,336 B2

DATED : **December 13, 2011**

INVENTOR(S) : Rawls-Meehan

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 25 days.

Delete the phrase "by 25 days" and insert – by 73 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RICHARD M. GOLDBERG
25 EAST SALEM STREET
SUITE 419
HACKENSACK NJ 07601

MAILED
NOV 22 2010
OFFICE OF PETITIONS

In re Application of	:	
Pieter S. Van Der Griendt	:	
Application No. 11/875,910	:	DECISION ON PETITION
Filed: October 21, 2007	:	
Attorney Docket No. **303/1/014**	:	

This is a decision on the petition, filed November 4, 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 hereby **GRANTED**.

This application was held abandoned for failure to reply to the nonfinal Office action mailed January 25, 2010, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on October 28, 2010.

Petitioner asserts that the Office action dated January 25, 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 nonreceived Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

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

This application is being referred to the Technology Center technical support staff of Art Unit 3652 for re-mailing the Office action of January 25, 2010. The period for reply will run from the mailing date of the Office action.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHALKER FLORES, LLP
2711 LBJ FRWY
SUITE 1036
DALLAS TX 75234

MAILED
AUG 05 2010
OFFICE OF PETITIONS

In re Application of	:	
Jie LIANG	:	
Application No. 11/875,932	:	DECISION ON PETITION
Filed: October 21, 2007	:	
Attorney Docket No. PARW:1009	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 21, 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 October 1, 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 November 2, 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) 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 $555 extension of time fee submitted on June 21, 2010, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's Deposit Account 50-4863.

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

This application is being referred to Technology Center AU 2448 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
www.uspto.gov

FAY SHARPE LLP
1228 EUCLID AVENUE, 5TH FLOOR
THE HALLE BUILDING
CLEVELAND, OH 44115

MAILED

FEB 16 2011

OFFICE OF PETITIONS

In re Application of Lu et al. Application No. 11/876,195 Filed: October 22, 2007 Attorney Docket No. 2121.34	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 13, 2011.

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

A review of the file record indicates that on February 10, 2011 the power of attorney to Fay Sharpe LLP 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
Petitions Examiner
Office of Petitions

cc: HAMMER & ASSOCIATES, P.C.
3125 SPRINGBANK LANE
SUITE G
CHARLOTTE NC 28226

UNITED STATES 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
APR 15 2011
OFFICE OF PETITIONS

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

In re Application of	:	
LOPEZ, et al	:	
Application No. 11/876,494	:	DECISION ON PETITION
Filed: October 22, 2007	:	
Attorney Docket No. T-6760	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 22, 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 30, 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)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is July 31, 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; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 1774 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

/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

WARD AND SMITH, P.A.
1001 COLLEGE COURT
P.O. BOX 867
NEW BERN NC 28563-0867

MAILED

APR 26 2011

OFFICE OF PETITIONS

In re Application of	:	
Nathaniel S. FOX et al.	:	
Application No. 11/876,556	:	DECISION ON PETITION
Filed: October 22, 2007	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 070052-00059	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed March 16, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

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

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

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation

by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

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

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

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

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

WARD AND SMITH, P.A.
1001 COLLEGE COURT
P.O. BOX 867
NEW BERN NC 28563-0867

MAILED

JUN 07 2011

OFFICE OF PETITIONS

In re Application of	:	
Nathaniel S. FOX et al.	:	
Application No. 11/876,556	:	DECISION ON PETITION
Filed: October 22, 2007	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 070052-00059	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed April 29, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

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

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

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

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

This application is being forwarded to Technology Center Art Unit 3671 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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
11/876,556	10/22/2007	3671	1541	070052-00059	29	3

CONFIRMATION NO. 6425

CORRECTED FILING RECEIPT

64199
WARD AND SMITH, P.A.
1001 COLLEGE COURT
P.O. BOX 867
NEW BERN, NC 28563-0867

OC000000048062323

Date Mailed: 06/07/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Nathaniel S. Fox, Phoenix, AZ;
Lorenz Robert Weppler, Eppstein, GERMANY;

Assignment For Published Patent Application

The Fox Family Trust, Phoenix, AZ

Power of Attorney: The patent practitioners associated with Customer Number 64199

Domestic Priority data as claimed by applicant

This application is a CIP of 11/747,271 05/11/2007 PAT 7,901,159
which is a CON of 10/728,405 02/12/2004 PAT 7,226,246
which claims benefit of 60/513,755 10/23/2003
and is a CIP of 10/178,676 06/24/2002 PAT 6,688,815
which is a CON of 09/882,151 06/15/2001 PAT 6,425,713
which claims benefit of 60/211,773 06/15/2000

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: 11/07/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/876,556**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Method and Apparatus For Building Support Piers From One or Successive Lifts Formed In A Soil Matrix

Preliminary Class

405

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

TILLMAN WRIGHT, PLLC
PO BOX 49309
CHARLOTTE NC 28277-0076

MAILED

MAR 08 2011

OFFICE OF PETITIONS

In re Application of
William E. Nordt III, et al.
Application No. 11/876,578
Filed: October 22, 2007
Attorney Docket No. 1017.028

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 1, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 31, 2011 (a Monday), as required by the Notice of Allowance and Fee(s) Due, mailed October 29, 2010. Accordingly, the date of abandonment of this application is January 30, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755.00 and the publication fee of $300.00, (2) the petition fee of $810.00; 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) 272-3230.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC; CHAD D. TILLMAN
11325 N. COMMUNITY HOUSE RD.
SUITE 250
CHARLOTTE, NC 28277

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
3404 E. HARMONY ROAD
MAIL STOP 35
FORT COLLINS CO 80528

MAILED
AUG 19 2011
OFFICE OF PETITIONS

In re Application of	:	
YUROCHKO	:	
Application No. 11/876,622	:	DECISION ON PETITION
Filed: October 22, 2007	:	
Attorney Docket No. 4149PALMUSC1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 4, 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 July 5, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed April 5, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 6, 2011. A Notice of Abandonment was mailed July 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.

As authorized, the petition fee under the provisions of 37 CFR 1.17(m) will be charged to Deposit Account No. 08-2025.

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

Michael L. Diaz
Diaz and Associates
Suite 200
555 Republic Drive
Plano TX 75074

MAILED
APR 08 2011
OFFICE OF PETITIONS

In re Application of :
Barakat :
Application No. 11/876,805 : ON PETITION
Filed: October 23, 2007 :
Attorney Docket No. **5223-0001**

This is a decision on the petition under 37 CFR 1.137(b), filed March 5, 2011, to revive the above-identified application.

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

The above-identified application became abandoned for failure to file a proper reply to the final Office action mailed December 31, 2009, which set a shortened statutory period for reply of three (3) months from its mailing date. A Notice of Abandonment was mailed August 2, 2010.

The Request for Continued Examination and amendment filed March 5, 2011, are noted.

The application file is being forwarded to Technology Center, GAU 3687 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

UNITED STATES PATENT
AND TRADEMARK OFFICE

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

Date Mailed: October 27,2010
Patent No. : 7,791,532 B2
Ser. No. :11/876839
Issued :April 6, 2010
Inventor(s) Chandrika Varadachari :
Title PROCESS FOR THE MANUFACTURE OF BIO-RELEASE IRON-MANGANESE FERTILIZER

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 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

Richard LaCava
Dickstein Shapiro LLP
1633 Broadway
New York, NY 10019-6708

MD/mt

UNITED STATES PATENT
AND TRADEMARK OFFICE

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

Date Mailed: October 27, 2010
Patent No. : 7,791,532 B2
Ser. No. :11/876839
Issued :September 7, 2010
Inventor(s) Motoi Nakanishi
Title RADAR

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 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

Richard LaCava
Dickstein Shapiro LLP
1633 Broadway
New York, NY 10019-6708

MD/mt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DICKSTEIN SHAPIRO LLP
1633 Broadway
NEW YORK NY 10019

MAILED
NOV 22 2010
OFFICE OF PETITIONS

In re Patent No. 7,791,532 :
Issue Date: September 7, 2010 :
Application No. 11/876,839 : ON PETITION
Filed: October 23, 2007 :
Attorney Docket No. **M1071.2047** :

This is a decision on the petition filed November 4, 2010, 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**.

Petitioner states that the correct assignee's name is "Murata Manufacturing Co., Ltd." and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

Telephone inquiries concerning this decision may be directed to the JoAnne Burke at (571) 272-4584. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and 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

Patent No. : 7789153 B2
Application No.: 11/876841
Inventor(s) : Prinz et al.
Issued : 09/07/2010
Title : METHODS AND APPARATUSES FOR ELECTRONIC TIME DELAY AND SYSTEMS INCLUDING SAME
Docket No. : 2507-8364US

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.

Tasneem Siddiqui
For Mary Diggs (Supervisor)
Decisions & Certificates of Correction Branch
(703) **756-1593** or (703) 756-1814
Date: 10/28/2010

Address: Jeff M. Michelsen
TRASKBRITT
230 South 500 East, Suite 300
Salt Lake City, UTAH 84102 USA

ts/md

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (EATON)
136 S WISCONSIN ST
PORT WASHINGTON WI 53074

MAILED

NOV 09 2010

OFFICE OF PETITIONS

In re Application of
Robert A. Morris, et al.
Application No. 11/876,843
Filed: October 23, 2007
Attorney Docket No. ETC7455.084

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 6, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 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 May 20, 2010. The Notice of Abandonment was mailed 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 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 2612 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

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

MAILED

SEP 23 2010

OFFICE OF PETITIONS

Gigamax Technologies, Inc.
6550 Edenvale Blvd.
Eden Prairie MN 55432

In re Application of	:	
John David Hamre et al.	:	
Application No. 11/877,005	:	DECISION ON PETITION
Filed: October 23, 2007	:	
Attorney Docket No. 12583.0032USD1	:	

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 April 29, 2008, which set a shortened statutory period for reply of three (3) months. A three month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on October 30, 2008. A Notice of Abandonment was mailed on December 5, 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 $810 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

This application is being referred to Technology Center AU 2863 for appropriate action by the Examiner in the normal course of business on the reply received August 9, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/877,005	10/23/2007	John David HAMRE	0032USD1

CONFIRMATION NO. 7213

POA ACCEPTANCE LETTER

Gigamax Technologies, Inc.
6550 Edenvale Blvd.
Eden Prairie, MN 55432

"OC000000043659869"

Date Mailed: 09/23/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/09/2010.

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.

/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

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

Date: 10/01/10

Patent No. : 7785686 B2
Ser. No. : 11/877,026
Inventor(s) : FUKUI, KATSUHISA
Issued : 08/31/10
Title : **MOLDING**
Docket No. : **0275G-001401**

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(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.

Lamonte M. Newsome

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

LMN

UNITED STATES 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 GROUP 2N
JONES DAY
NORTH POINT
901 LAKESIDE AVENUE
CLEVELAND, OH 44114

MAILED
JAN 14 2011
OFFICE OF PETITIONS

In re Patent No. 7,785,686
Issue Date: August 31, 2010
Application No. 11/877,026
Filed: October 23, 2007
Attorney Docket No. 0275G-001401

ON PETITION

This is a decision on the petition filed December 1, 2010, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the April M. Wise at (571) 272-1642. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and 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

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
PO BOX 1497
MADISON WI 53701-1497

MAILED
MAY 13 2011
OFFICE OF PETITIONS

In re Application of	:	
Murphy, et al.	:	
Application No. 11/877,029	:	ON REQUEST FOR
Filed: October 23, 2007	:	RECONSIDERATION OF
Attorney Docket Number: 032026-1105	:	PATENT TERM ADJUSTMENT

This is a decision on the petition under 37 CFR 1.705(b), filed April 14, 2011. Applicants believe that the PTA should be adjusted from six hundred twelve (612) days to eight hundred ninety-five (895) days. Applicants request this correction on the basis that the Office will take in excess of three years to issue this patent.

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

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

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

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

In view thereof, the correct determination of PTA prior to issuance is **six hundred twelve (612) days**.

The application is being forwarded to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Petitions Attorney Cliff Congo at (571) 272-3207.

Anthony Knight
Director
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
Howard Leigh MALM

Application No. 11877085

Filed: October 23,2007

Attorney Docket No. REM10005cip

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 28-JAN-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), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
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 PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	11/877,094	Filing date:	October 23, 2007
First Named Inventor:	Vladimir Sulc		
Title of the Invention:	TEMPERATURE CONTROL SYSTEM HAVING HEAT EXCHANGE MODULES WITH INDIRECT EXPANSION COOLING AND IN-TUBE ELECTRIC HEATING		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2007/082205

The international filing date of the corresponding PCT application(s) is/are: October 23, 2007

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [ ] Is attached.
- [x] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). 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 2 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.

Approved for use through 01/31/2012. OMB 0651-0058
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 PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	11/877,094
First Named Inventor:	Vladimir Sulc

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on July 23, 2008

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on July 23, 2008

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	Claims are identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /aaron k. nodolf/	Date February 3, 2011
Name (Print/Typed) Aaron K. Nodolf	Registration Number 62,081

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/877,094	10/23/2007	Vladimir Sulc	090402-9337-01	7342

23409 7590 03/24/2011
MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

EXAMINER
RUSSELL, DEVON

ART UNIT	PAPER NUMBER
3785	

MAIL DATE	DELIVERY MODE
03/24/2011	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

MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE WI 53202

In re Application of:
SULC, VLADIMIR et al
Application No.: 11/877,094
Filed: Oct. 23, 2007
Docket: 090402-9337-01
Title: TEMPERATURE CONTROL SYSTEM HAVING HEAT EXCHANGE MODULES WITH INDIRECT EXPANSION COOLING AND IN-TUBE ELECTRIC HEATING

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed Feb. 3, 2011 to make the above-identified application special.

The request and petition are **dismissed**

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 KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition do not comply with the above requirements. The request to participate in the PPH program and petition fails to comply with Item #4.

The request to participate in the PPH program and petition is dismissed because examination of the application has begun on Feb. 16, 2011.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **dismissed as moot**

/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
www.uspto.gov

Paper No.

MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE WI 53202

MAILED
SEP 27 2011
OFFICE OF PETITIONS

In re Application of :
Sulc et al. : DECISION ON PETITION
Application No. 11/877,094 :
Filed: October 23, 2007 :
Atty Docket No. 090402-9337-01:

This is a decision on the "PETITION UNDER 37 CFR §1.182 TO CORRECT APPLICANT'S NAME," filed September 7, 2011.

Applicant requests the correction of inventor Robert Srichai's name in the application to reflect his full legal name "Panayu Robert Srichai." The petition includes a statement by inventor Srichai attesting to his legal name being now and at the time of filing of the application "Panayu Robert Srichai." The petition includes payment of the fee under 37 CFR 1.182.

The instant petition (with petition fee) was filed prior to payment of the issue fee.

The petition is **DISMISSED** without prejudice to reconsideration upon the filing of either a supplemental declaration or an application data sheet.

Where there is no change of individual but an incorrect name was given, a petition under 37 CFR 1.182 should be filed requesting correction of applicant's name. No supplemental declaration for patent identifying the inventor as Panayu Robert Srichai is of record in this application. Nor has a supplemental application data sheet showing the correct name been filed. A supplemental declaration or a supplemental application data sheet to correct the inventor's name is required.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE WI 53202

MAILED
OCT 25 2011
OFFICE OF PETITIONS

In re Application of :
Sulc et al. : DECISION ON PETITION
Application No. 11/877,094 :
Filed: October 23, 2007 :
Atty Docket No. 090402-9337-01:

This is in response to the "RESPONSE TO DECISION ON PETITION" filed October 7, 2011, renewing applicants' request to correct inventor Robert Srichai's name in the application to reflect his full legal name "Panayu Robert Srichai."

The renewed petition is **GRANTED**. The name of the inventor has been corrected in the records of the Office as requested.

By decision mailed September 27, 2011, the initial petition was dismissed. The petition included a statement by inventor Srichai attesting to his legal name being now and at the time of filing of the application "Panayu Robert Srichai, and payment of the petition fee. However, the petition (and the application record) lacked a supplemental application data sheet or declaration identifying the inventor by his full legal name.

On instant renewed petition, applicants submitted an executed supplemental application data sheet correcting the inventor's name.

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

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

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 08/03/2010

Applicant	: Michael F. Pas	: DECISION ON REQUEST FOR
Patent Number	: 7642153	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/877,175	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02/09/12

TO SPE OF : ART UNIT: 3745 Attn: LOOK EDWARD K (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/877217 Patent No.: 8070445

CofC mailroom date: 01/20/2012

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 Claims 5, 13 and 16 Should these amended claims be corrected as requested 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: _____

/Edward.look/
SPE

3745
Art Unit

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):	Patent Number (if applicable):
11/877,224 520.46424CX1	
First Named Inventor:	Title of Invention:
Y. NAKAYAMA et al	Substrate Assembly Apparatus and Method

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 /Gregory E. Montone/	Date May 20, 2011
Name (Print/Typed) Gregory E. Montone	Practitioner Registration Number 28,141

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
www.uspto.gov

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

MAILED
MAY 24 2011
OFFICE OF PETITIONS

In re Application of	:	
Nakayama et al.	:	
Application No. 11/877,224	:	DECISION ON PETITION
Filed: October 23, 2007	:	
Attorney Docket No. 520.46424CX1	:	

This is a decision on the request filed May 20, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on January 20, 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 1745 for re-mailing the Office action of January 20, 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

QUARLES & BRADY LLP
33 E. MAIN ST, SUITE 900
P.O. BOX 2113
MADISON WI 53701-2113

MAILED
AUG 16 2010
OFFICE OF PETITIONS

In re Application of	:
Amasino, et al.	:
Application No. 11/877,266	: DECISION ON PETITION
Filed: October 23, 2007	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 960296.00655	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed July 20, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition. Application No. 10/600,948 is being formally claimed and Application No. 09/513,775 was previously improperly claimed because of the lack of copendency between it and the present application.

The petition is **GRANTED**.

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

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

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

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the

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

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

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.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3230. 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 1638 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

CC: SARA D. VINAROV, PH.D., J.D.
QUARLES & BRADY, LLP
300 N. LASALLE STREET, SUITE 4000
CHICAGO, IL 60654

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
11/877,266	10/23/2007	1638	1870	960296.00655	9	7

CONFIRMATION NO. 7615

CORRECTED FILING RECEIPT

26734
QUARLES & BRADY LLP
33 E. MAIN ST, SUITE 900
P.O. BOX 2113
MADISON, WI 53701-2113

OC000000042910696

Date Mailed: 08/05/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Richard Mark Amasino, Madison, WI;
Fritz Michael Schomburg, Madison, WI;
Scott Daniel Michaels, Madison, WI;
Si-Bum Sung, Madison, WI;
Katia Scortecci, Madison, WI;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a DIV of 10/600,948 06/20/2003 PAT 7,303,918
which is a DIV of 09/513,775 02/25/2000 PAT 6,693,228
which claims benefit of 60/121,572 02/25/1999
and claims benefit of 60/123,455 03/09/1999

Foreign Applications

If Required, Foreign Filing License Granted: 12/03/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/877,266**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Alteration of Flowering Time in Plants

Preliminary Class

800

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

HONEYWELL/HUSCH
Patent Services
101 Columbia Road
P.O.Box 2245
Morrlstown NJ 07962

MAILED
OCT 25 2011
OFFICE OF PETITIONS

In re Application of :
John Chapples et al. :
Application No. 11/877,331 : ON PETITION
Filed: October 23, 2007 :
Attorney Docket No. H0014247 :
8364/98502U/1931

This is a decision on the petition under 37 CFR 1.182, filed October 13, 2011, to change the name of one the inventors.

The petition is **GRANTED**.

The name of the inventor has been changed from **John Anthony Tilloston** to **John Anthony Tillotson**.

Our records have been updated and a corrected Filing Receipt, which sets forth the changes as requested. A copy will be attached to this decision.

This application is being forwarded to Technology Center 1724.

Telephone inquiries regarding this decision may be directed to Kimberly Inabinet (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/877,331	10/23/2007	1724	1160	H0014247 8364/98502U/1931	17	3

CONFIRMATION NO. 7728

CORRECTED FILING RECEIPT

92556
HONEYWELL/HUSCH
Patent Services
101 Columbia Road
P.O.Box 2245
Morrlstown, NJ 07962

OC000000050557580

Date Mailed: 10/24/2011

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)

John Chapples, Drayton, UNITED KINGDOM;
John Anthony Tillotson, Parkstone, UNITED KINGDOM;
Ian McLeod, Boyatt Wood, UNITED KINGDOM;
Martin Williamson, Oakdale, UNITED KINGDOM;

Power of Attorney: The patent practitioners associated with Customer Number 00128

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/863,859 11/01/2006

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: 11/07/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/877,331**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Oxygen Sensors

Preliminary Class

204

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

MAILED

SEP 29 2010

OFFICE OF PETITIONS

KNOBLE, YOSHIDA & DUNLEAVY
EIGHT PENN CENTER
SUITE 1350, 1628 JOHN F KENNEDY BLVD
PHILADELPHIA PA 19103

In re Application of	:	
Schreiber et al.	:	
Application No. 11/877,339	:	ON PETITION
Filed: October 23, 2007	:	
Attorney Docket No. TGXX-1038US	:	

This is a notice regarding your request, August 20, 2010, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

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.
11/877,358	10/23/2007	Frank K. Lu	124263-1056	7773

7590 11/22/2010
GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS, TX 75201-4761

EXAMINER
SUNG, GERALD LUTHER

ART UNIT	PAPER NUMBER
3741	

MAIL DATE	DELIVERY MODE
11/22/2010	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.

Mimi Fitzner

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120329

DATE : March 29, 2012

TO SPE OF : ART UNIT 2121

SUBJECT : Request for Certificate of Correction on Patent No.: 8,036,768

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:

ok to enter /SRG/

/ALBERT DECADY/
Supervisory Patent Examiner, Art Unit 2112

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/21/2011

TO SPE OF . ART UNIT 2121 Albert Decady (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/877366 Patent No 8036768

CofC mailroom date: _____

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: _____

H. Ply
Certificates of Correction Branch

571-272-8680 _____

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 /SRG/

_____ SPE

_____ Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120329

DATE : March 29, 2012

TO SPE OF : ART UNIT 2121

SUBJECT : Request for Certificate of Correction on Patent No.: 8,036,768

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:

ok to enter /SRG/

/John R. Cottingham/
Supervisory Patent Examiner, Art Unit 2121

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/21/2011

TO SPE OF : ART UNIT 2121 Albert Decady (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/877366 Patent No 8036768

CofC mailroom date: _____

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: _____

Certificates of Correction Branch

571-272-8680

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 /SRG/

SPE

2121
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

AUG 27 2010

OFFICE OF PETITIONS

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

In re Application of	:	
Thierry Abribat et al.	:	
Application No. 11/877,395	:	DECISION ON PETITION
Filed: October 23, 2007	:	
Attorney Docket No. 28609-0004002	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 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 Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, mailed August 4, 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) was obtained. Accordingly, the application became abandoned on October 5, 2009. A Notice of Abandonment was mailed April 7, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of (CRF) Sequence Listing, Preliminary Amendment and "Statement that the Sequence Listing does not contain new matter", (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly the reply is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received April 28, 2010. Inquires regarding the status of the application should be directed to 571-272-4000.

/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

GREER, BURNS & CRAIN, LTD.
Suite 2500
300 South Wacker Drive
Chicago, IL 60606

MAILED

JUN 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Eun Jong Cha, et. al.	:	
Application No. 11/877,435	:	DECISION ON PETITION
Filed: October 23, 2007	:	
Attorney Docket No. 0311.79258	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 9, 2011, to revive the above-identified application.

The above application became abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed November 26, 2010. A Notice of Abandonment was mailed on March 11, 2011.

Since the petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $755 for payment of the issue fee and $300 for payment of the publication fee; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay, the petition is **GRANTED**.

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

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
www.uspto.gov

VARNUM, RIDDERING, SCHMIDT & HOWLETT LLP
333 BRIDGE STREET, NW
P.O. BOX 352
GRAND RAPIDS MI 49501-0352

MAILED
NOV 09 2010
OFFICE OF PETITIONS

In re Application of	:	
Anthony J. Warncke, et al.	:	
Application No. 11/877,478	:	DECISION ON PETITION
Filed: October 23, 2007	:	
Attorney Docket No. Sauder Mfg P1US2-UTL	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 7, 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 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 on October 7, 2009. The Notice of Abandonment was mailed February 23, 2010.

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

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

This application is being referred to Technology Center AU 3636 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

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

CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 BROAD HOLLOW ROAD
SUITE 420
MELVILLE, NY 11747

MAILED

AUG 17 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
Michael Barrus	:	
Application No. 11/877,607	:	
Filed: October 23, 2007	:	
Attorney Docket No. 1449-213	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 30, 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. A Notice of Abandonment was mailed 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.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

This application is being referred to Technology Center 2733 for further examination on the merits

Alicia Kelley
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

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Mou-Shiung Lin	:	
Application No.: 11/877,649	:	ON PETITION
Filed: October 23, 2007	:	
Attorney Docket No.: 085027-0302	:	

This is a decision on the petition, filed February 25, 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 February 5, 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 file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The application is being referred to Technology Center AU 2814 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).

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

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: DENNIS A. DUCHENE
MCDERMOTT WILL & EMERY LLP
11682 EL CAMINO REAL, SUITE 400
SAN DIEGO, CA 92130

UNITED STATES 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.

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO IL 60661

MAILED

NOV 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Agrawal et al.	:	DECISION ON APPLICATION
Application No. 11/877,767	:	FOR
Filed: 10/24/2007	:	PATENT TERM ADJUSTMENT
Atty Docket No.	:	
IDE10639P00091US	:	

This letter is in response to the petition under 37 CFR 1.705(b), filed on August 12, 2010. Applicants request that the initial determination of patent term adjustment be adjusted from 187 days to 326 days.

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

The Office has updated the PALM and PAIR screens to reflect that the revised Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance is three hundred twenty-six (326) days. A copy of the updated PAIR screen, showing the revised determination, is enclosed.

On June 24, 2010, the Office mailed the Determination of Patent Term Adjustment under 35 USC 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is one hundred eighty-seven (187) days (230 days of Office delay reduced by 43 days of applicant delay).

On August 12, 2010, applicants timely submitted the instant application for patent term adjustment.[1]

[1] PALM records show that the Issue Fee was received on August 12, 2010.

Applicants request reconsideration of the period of Office delay pursuant to 37 CFR 1.702(a). Specifically, applicants state that the 230 day period of Office delay, beginning on the day after the date fourteen months after the application was filed and ending on August 11, 2009, the date a Notice of Non-Compliant Amendment (37 CFR 1.121) was mailed, is incorrect because the Notice of Non-Compliant Amendment (37 CFR 1.121) is not an Office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151.

Upon review, applicants are correct. A first Office action under 35 U.S.C. 132 was mailed on December 28, 2009, fourteen months and 369 days after the day after the date the application was filed.

Accordingly, the period of adjustment for Office delay of 230 days will be removed, and a period of adjustment for Office delay of 369 days will be entered.

In view thereof, the revised determination of PTA at the time of the mailing of the Notice of Allowance is **three hundred-twenty-six (326)** days (369 days of PTO delay, reduced by 43 days of Applicant delay).

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

The Office of Data Management has been advised of this decision. The application is thereby forwarded to the Office of Data Management for issuance of the 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 if applicable, 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 Douglas I. Wood, Senior Petitions Attorney, at (571) 272-3231.

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of adjusted PAIR calculation

Patent Term Adjustments

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

Application Number*: 11877767 Search | Explanation of PTA Calculation | Explanation of PTE Calculation

PTA Calculations for Application: 11877767

Application Filing Date	10/24/2007	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	230
A Delays	230	PTO Manual Adjustment	139
B Delays	0	Applicant Delay (APPL)	43
C Delays	0	Total PTA (days)	326

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
57	11/05/2010		P028	Adjustment of PTA Calculation by PTO	139		0
48	06/24/2010		MN/=.	Mail Notice of Allowance			0
45	06/21/2010		N/=.	Notice of Allowance Data Verification Completed			0
44	06/21/2010		EX.A	Examiner's Amendment Communication			0
47	06/20/2010		IREV	Issue Revision Completed			0
46	06/20/2010		OVER	Document Verification			0
43	06/17/2010		CNTA	Notice of Allowability			0
41	05/18/2010		P574	Paralegal TD Accepted			0
40	05/18/2010		P574	Paralegal TD Accepted			0
39	05/10/2010	03/28/2010	DIST	Terminal Disclaimer Filed		43	34
36	05/03/2010		C.AD	Correspondence Address Change			0
35	05/03/2010		FWDX	Date Forwarded to Examiner			0
42	03/29/2010		IDSC	Information Disclosure Statement considered			0
38	03/29/2010		RCAP	Reference capture on IDS			0
37	03/29/2010		M844	Information Disclosure Statement (IDS) Filed			0
33	03/29/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
34	03/28/2010		A...	Response after Non-Final Action			0
32	12/28/2009		MCTNF	Mail Non-Final Rejection			0
31	12/22/2009		CTNF	Non-Final Rejection			0
27	12/08/2009		FWDX	Date Forwarded to Examiner			0
26	09/03/2009		A...	Response after Non-Final Action			0
24	09/03/2009		A.PE	Preliminary Amendment			0
23	08/11/2009	12/24/2008	MCTMS	Mail Miscellaneous Communication to Applicant	230		-1
22	08/05/2009		CTMS	Miscellaneous Action with SSP			0
21	01/21/2009		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
17	01/08/2009		PG-ISSUE	PG-Pub Issue Notification			0
16	01/06/2009		DOCK	Case Docketed to Examiner in GAU			0
15	10/06/2008		OIPE	Application Dispatched from OIPE			0
14	10/01/2008		PA..	Change in Power of Attorney (May Include Associate POA)			0
13	10/01/2008		PGPC	Sent to Classification Contractor			0
12	10/01/2008		FLRCPT.U	Filing Receipt - Updated			0
11	09/11/2008		FLFEE	Payment of additional filing fee/Preexam			0
10	09/11/2008		OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic			0
9	09/11/2008		CORRSPEC	Applicant has submitted a new specification to correct Corrected Papers problems			0
8	07/16/2008		FLRCPT.O	Filing Receipt			0
7	07/16/2008		INCD	Notice Mailed--Application Incomplete--Filing Date Assigned			0
5	11/20/2007		CRFE	CRF Is Good Technically / Entered into Database			0
4	11/05/2007		L194	Cleared by OIPE CSR			0
3	10/28/2007		SCAN	IFW Scan & PACR Auto Security Review			0
28	10/24/2007		IDSC	Information Disclosure Statement considered			0
20	10/24/2007		RCAP	Reference capture on IDS			0
19	10/24/2007		M844	Information Disclosure Statement (IDS) Filed			0
18	10/24/2007		A.PE	Preliminary Amendment			0
6	10/24/2007		CRFL	CRF Disk Has Been Received by Preexam / Group / PCT			0
2	10/24/2007		WIOS	Information Disclosure Statement (IDS) Filed			0
1	10/24/2007		IEXX	Initial Exam Team nn			0

Export to: Excel

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE SC 29602-1449

MAILED
DEC 22 2010
OFFICE OF PETITIONS

In re Application of :
ROSSI, ROBERT K. :
Application No. 11/877,945 : DECISION ON PETITION
Filed: 10/24/2007 :
Attorney Docket No. RRE-7 :

This is a decision on the petition under 37 CFR 1.181, filed September 2, 2010, 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 Restriction Requirement mailed January 27, 2010, within the shortened statutory period of one month or thirty days, whichever was longer. In the absence of a timely filed reply, the application became abandoned on February 28, 2010. On August 24, 2010, the Office mailed a Notice of Abandonment.

Petitioner asserts that the Restriction Requirement dated mailed January 27, 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.

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

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice

of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

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

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

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

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

After reviewing the documents submitted on petition, the Office concludes that the showing of record is sufficient to warrant withdrawal of the holding of abandonment. The practitioner submitted a copy of the master docket showing all replies docketed for a date one month through the extendable period from the mail date of the nonreceived Office action. The practitioner

stated the Restriction Requirement would have been entered in this docketing system had it been received and docketed. The practitioner attested to the fact that a search of the records indicated that the Restriction Requirement was not received. Accordingly, petitioner presented the required showing under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**. The holding of abandonment is hereby withdrawn.

The $200.00 fee submitted on petition is unnecessary and will be refunded in due course.

This application is being referred to Technology Center Art Unit 3725 for further action on the reply submitted September 2, 2010.

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

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

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

MAILED

MAR 26 2012

OFFICE OF PETITIONS

In re Application of :
Khouri :
Application No. 11/877,982 : ON PETITION
Filed: October 24, 2007 :
Attorney Docket No. 5754-000008/US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 6, 2012, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned September 9, 2011 for failure to timely submit a proper reply in response to the final Office action mailed March 8, 2011. Notice of Abandonment was mailed December 7, 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 3775 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

MAILED
JUN 09 2011
OFFICE OF PETITIONS

KRAMER & AMADO, P.C.
1725 DUKE STREET
SUITE 240
ALEXANDRIA VA 22314

In re Application of	:	
Boyong Li	:	
Application No. 11/878,036	:	DECISION ON PETITION
Filed: July 20, 2007	:	
Attorney Docket No. MPI 3165	:	

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 7, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 8, 2010. A Notice of Abandonment was mailed on May 12, 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.

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 $2350 extension of time fee submitted with the petition on May 13, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's credit card.

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

This application is being referred to Technology Center AU 1615 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

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.
11/878,057	07/20/2007	Seiji Tani	008312-0362359	5562

7590 01/24/2011
PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER
KING, SIMON

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
01/24/2011	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.

Mimi Fahmed

Patent Publication Branch
Office of Data Management

FORM PET651G (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.
11/878,084	07/20/2007	Hyo-jae Bang	2557-000668/US	5736

7590 01/28/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER
CLARK, SHEILA V

ART UNIT	PAPER NUMBER
2823	

MAIL DATE	DELIVERY MODE
01/28/2011	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

January 28, 2011

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

In re Application of	:	
Hyo-Jae Bang et al.	:	**DECISION ON PETITION**
Application No. 11878084	:	
Filed: 7/20/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 2557-000668/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) July 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

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

MAILED
MAR 2 6 2011
OFFICE OF PETITIONS

MRM HOLDINGS LIMITED
GPO BOX 11464, CENTRAL
HONG KONG HK HONG KONG

In re Application of :
Robert Wesley Schlipper :
Application No. 11/878,179 : ON PETITION
Filed: July 23, 2007 :
Attorney Docket No. :

This is a decision on the petition filed February 22, 2011, which is being treated as a petition under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **DISMISSED.**

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

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 8, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.36(a) was obtained. Accordingly, the above-identified application became abandoned on October 9, 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(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item (1).

As to item (1), a petition to revive cannot be treated where there is an outstanding requirement(s). In the instant case, there was no response to the July 8, 2010 Office action. A courtesy copy of this Office action is being mailed with this decision.

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

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

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

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

Attachments: A courtesy copy of the non-final Office action mailed July 8, 2010; Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); and the Privacy Act Statement.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/878,179	07/23/2007	Robert Wesley Schlipper		5914

7590 07/08/2010

MRM Holdings Limited
GPO Box 11464, Central
Hong Kong,
HONG KONG

EXAMINER
SKURDAL, COREY NELSON

ART UNIT	PAPER NUMBER
3782	

MAIL DATE	DELIVERY MODE
07/08/2010	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.

Office Action Summary	Application No.	Applicant(s)	
	11/878,179	SCHLIPPER, ROBERT WESLEY	
	Examiner	Art Unit	
	COREY N. SKURDAL	3782	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 17 September 2007.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-10 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 23 July 2007 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6, 8, and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "the opposing longitudinal edges" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation “the proximal end” in line 1. It is unclear if this is referring to the proximal end of the elongate shoulder engaging portion of the proximal end of the length adjustable strap.

Claim 10 recites the limitation "the elongate longitudinally extending aperture" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim1, 2, 5, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (US 6,802,442) in view of Hollier (US 2007/0251279).

Regarding claims 1, 5, and 6, Thomspon discloses a bag and a shoulder strap assembly substantially as claimed, including: an elongate shoulder engaging portion 128 having a proximal end 140 fixed to the bag and an opposing distal end; a buckle 116 fixed to the shoulder engaging portion intermediate the proximal and distal ends of the shoulder engaging portion; a longitudinal aperture 148 extending from a mouth opening at the distal end of the shoulder engaging portion, and a length adjustable strap 112/146 having a proximal end 150 connected to the bag and cooperating with the buckle for adjusting the length of the strap assembly. Thomspon does not disclose the length adjustable strap including a reinforced portion with metal threads. However, Hollier teaches an alternate adjustable length strap 2 having a sheath 42 along each opposed longitudinal edge in which twisted metal threads 43 are inserted. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to replace the straps 112 and 146 of Thompson with reinforced straps as taught by Hollier in order to "resist cutting of the strap member... and theft of an article" being held within the bag (Hollier paragraph 0056).

Regarding claim 2, the strap of Hollier includes a longitudinally extending unreinforced portion 8 configured (capable) to engage the buckle, the buckle being a tension locked type and having a limb around which a loop in the unreinforced portion would inherently pass.

Regarding claim 8, the proximal; end of strap 146 is releasably connected to the bag by engagement of first part 150 coupled to the bag and second part 132 fixed to the proximal end of the length adjustable strap.

5. Claims 3, 4, 7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson in view of Hollier, as applied to claim 1 above, and further in view of Moreno et al. (US 2006/0032883).

Modified Thompson, as applied to claims 1, 2, 5, 6, and 8, discloses the invention substantially as claimed, but does not have bag and shoulder engaging portion reinforced by metal threads. However, Moreno teaches that is known to form backpack components from a fabric wall 50 and metal threads 48. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to make the bag of Thompson and shoulder engaging portion with a reinforced material having metal threads "so that potential thieves will be unable to cut them open." See Moreno paragraph 0026.

Regarding claim 10, the straps of Hollier are formed (Figure 5) such that opposing ends of the cable 44 would be fixed to the buckle and bag as claimed.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to COREY N. SKURDAL whose telephone number is (571)272-9588. The examiner can normally be reached on M-Th 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. N. S./
Examiner, Art Unit 3782

/Nathan J. Newhouse/
Supervisory Patent Examiner, Art Unit 3782

Doc Code: PET.OP
Document Description: Petition for Review by the Office of Petitions

PTO/SB/64 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Docket Number (Optional)

First named inventor: _____

Application No.: _____ Art Unit: _____

Filed: _____ Examiner: _____

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional

1. Petition Fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.

☐ Other than small entity-fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

☐ has been filed previously on _____.

☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.

☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $_____for a small entity or $_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	Date
Type or Printed name	Registration Number, If applicable
Address	Telephone Number
Address	

Enclosures:

☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUL 25 2011

OFFICE OF PETITIONS

MRM HOLDINGS LIMITED
GPO BOX 11464, CENTRAL
HONG KONG HK HONG KONG

In re Application of	:	
Robert Wesley Schlipper	:	
Application No. 11/878,179	:	ON PETITION
Filed: July 23, 2007	:	
Attorney Docket No.	:	

This is a decision on the petition filed June 22, 2011 and resubmitted on July 6, 2011, which is being treated as a renewed petition under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

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

This matter is being referred to Technology Center AU 3782 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
www.uspto.gov

MRM HOLDINGS LIMITED
GPO BOX 11464, CENTRAL
HONG KONG HK HONG KONG

MAILED
FEB 10 2012
OFFICE OF PETITIONS

In re Application of	:	
Robert Wesley Schlipper	:	
Application No. 11/878,179	:	ON PETITION
Filed: July 23, 2007	:	
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 3, 2012, to revive the above-identified application.

The petition is **DISMISSED AS MOOT**.

Office record show a decision was previously mailed July 25, 2011 in the above-identified application.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ANDREWS KURTH LLP
INTELLECTUAL PROPERTY DEPARTMENT
SUITE 1100
13501 I STREET, N.W.
WASHINGTON DC 20005

MAILED

OCT 20 2011

OFFICE OF PETITIONS

In re Application of
Srikrishna Ramaswamy
Application No. 11/878,212
Filed: July 23, 2007
Attorney Docket No. 173501

DECISION ON PETITION
TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 7, 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 Sean Wooden on behalf of all attorneys of record who are associated with Customer Number 38598.

All attorneys/agents associated with the Customer Number 38598 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the applicant at the address indicated below.

Currently, there is an outstanding Office action mailed September 12, 2011 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Srikrishna Ramaswamy
5003 High Canyon Pass
Austin, TX 78738

UNITED STATES 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
SEP 27 2010
OFFICE OF PETITIONS

In re Application of	:	
Moshe Koppel et al.	:	
Application No. 11/878,254	:	NOTICE
Filed: July 23, 2007	:	
Attorney Docket No. 97231	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
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
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/878,378	07/24/2007	Masaru Seto	MAE-429	7913

23995 7590 05/18/2011
RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

EXAMINER
SARKAR, ASOK K

ART UNIT	PAPER NUMBER
2891	

MAIL DATE	DELIVERY MODE
05/18/2011	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

RABIN & BERDO, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

In re Application of: Masaru Seto Serial No.: 11/878378 Filed: July 24, 2007 Attorney Docket No.: MAE-429	: : : : :	DECISION *SUA SPONTE* WITHDRAWING HOLDING OF ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

A non-final Office action was mailed on October 27, 2010, setting a three-month shortened statutory period for response thereto. In an apparent failure to receive a response, the application was held abandoned and a Notice of Abandonment was mailed on May, 02, 2011.

Although no petition or request to withdraw the holding of abandonment in this application has been filed, the Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn in view of the fact that a response including an amendment to the claims was timely filed on April 26, 2011. The application is not abandoned in fact.

The examiner will consider the response and prepare an Office action in due course.

Any inquiry regarding this decision should be directed to Kiesha Bryant, Supervisory Patent Examiner at (571) 272-1844.

John Cabeca, Group Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

NOV 22 2011

OFFICE OF PETITIONS

In re Application of	:	
Shigeyuki Itoh, et. al.	:	
Application No. 11/878,392	:	DECISION ON PETITION
Filed: July 24, 2007	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. Q102604	:	

This is a decision on the petition under 37 CFR 1.182, filed August 31, 2011, which is being treated as a petition under 1.78(a)(3), to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to prior-filed international Application No. PCT/JP2006/322698, filed November 8, 2006.

The petition is **DISMISSED AS MOOT**.

Petitioner states that the correct parent Application No. PCT/JP2006/322698 was correctly identified in the Declaration and Power of Attorney, Application Data Sheet (ADS), the Application Transmittal Letter and the first line of the specification filed on July 24, 2007. However, the parent PCT application was incorrectly listed as PCT/JP06/22698.

A review of the record discloses that the claim for priority to parent PCT Application No. PCT/JP2006/322698 was timely included in the first sentence of the specification following the title on July 24, 2007; however, the Office mistakenly listed an incorrect application number on the filing receipt mailed September 17, 2007. Accordingly, since the error is that of the USPTO, the present petition is unnecessary and no petition fee will be assessed to petitioner's deposit account.

A corrected Filing Receipt, which includes the priority claim to the prior-filed application, was issued on November 14, 2007.

This application is being forwarded to the Office of Data Management via Technology Center Art Unit 1621 for consideration by the examiner of the claim under 35 U.S.C. §§ 120, 365(c) and 119(e) of the prior-filed application[1].

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Andrea Smith
Petitions Examiner
Office of Petitions

[1] The issue fee and publication fees were paid on August 31, 2010; thus the present petition is being treated as having been received prior to payment of the issue and publication fees.

UNITED STATES 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.

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED
NOV 08 2011
OFFICE OF PETITIONS

In re Application of	:	
Eguchi et al.	:	DECISION DISMISSING PETITION
Application No. 11/878,450	:	
Filed: July 24, 2007	:	
Atty Docket No. 133324	:	

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT - RESPONSE TO OFFICE ACTION TIMELY FILED filed October 27, 2011.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed March 31, 2011. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply considered timely filed and no extension of time considered obtained, the application became abandoned effective July 1, 2011. A courtesy Notice of Abandonment was mailed on October 20, 2011.

In response, petitioner filed the instant petition. Petitioner states that a response to the Office action was timely filed on June 30, 2011. In support thereof, petitioner submits a copy of a hand-carry filing receipt and a copy of the amendment as petitioner maintains it was timely filed.

The image file wrapper of the application is the Official record of the papers filed in this application. A review of the image file wrapper supports a conclusion that no amendment was received in the Office on June 30, 2011 (or thereabouts).

As stated in MPEP 503, a postcard receipt, which itemizes and properly identifies the items, which are being filed, serves as *prima facie* evidence of receipt in the Office of all items

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

With respect to Office procedure, MPEP 503 further states that the person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the postcard initialed by the person receiving the items. However, if the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO).

With respect to the merits of this petition, petitioner's evidence and arguments have been considered, but not found persuasive. The filing receipt provided as evidence of timely submission of the amendment is not detailed. The receipt bears an OPAP date stamp of June 30, 2011; however, as to stating the contents of the filing the receipt is silent. It simply states "PATENT OFFICE DATE STAMP" and "COPY TO BE STAMPED BY PATENT OFFICE AND RETURNED BY MESSENGER." (Enclosed also is a detailed but not relevant receipt for the original filing of the application). The receipt received on petition is not persuasive that any specific paper, including the amendment asserted to have been filed, was filed on that date.

In view thereof, the petition must be dismissed.

Absent persuasive evidence of the timely filing of a response on June 30, 2011, the holding of abandonment is considered proper and will not be withdrawn.

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

Any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are not permitted. See 1.181(f).

Alternatively, applicants may seek revival under the provisions of 37 CFR 1.137. Such a request should include a cover letter entitled "Petition under 37 C.F.R. § 1.137(a)" or "Petition under 37 C.F.R. § 1.137(b)," as appropriate.

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

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

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

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED

DEC 05 2011

OFFICE OF PETITIONS

In re Application of	:	**CORRECTED**
Eguchi et al.	:	DECISION ON PETITION
Application No. 11/878,450	:	
Filed: July 24, 2007	:	
Atty Docket No. 133324	:	

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT - RESPONSE TO OFFICE ACTION TIMELY FILED filed October 27, 2011.

This decision supersedes the decision mailed November 7, 2011.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed March 31, 2011. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under §1.136(a). No reply considered timely filed and no extension of time considered obtained, the application became abandoned effective July 1, 2011. A courtesy Notice of Abandonment was mailed on October 20, 2011.

In response, petitioner filed the instant petition. Petitioner states that a response to the Office action was timely filed on June 30, 2011. In support thereof, petitioner submits a copy of a hand-carry filing receipt and a copy of the amendment as petitioner maintains it was timely filed.

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

Petitioner's evidence has been considered, and found persuasive that the amendment was timely filed on June 30, 2011. The hand-carry receipt identifies an amendment as being filed and bears an Office date of receipt stamp of June 30, 2011. (On decision mailed November 8, 2011, the undersigned erred in overlooking the word "amendment" on the receipt and instead viewed the title as a listing of the contents of the filing).

In view thereof, the holding of abandonment is hereby **WITHDRAWN**.

No fee is required on petition under § 1.181.

Technology Center AU 3764 has been advised of this decision. The application is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and to process the amendment resubmitted on petition filed October 27, 2011. The amendment should be entered into the record of the application with its original filing date of June 30, 2011. The timely filed amendment should then be considered by the examiner.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED
JUL 08 2011
OFFICE OF PETITIONS

In re Application of
Muraoka
Application No.: 11/878,464
Filed: July 24, 2007
Attorney Docket No: 133317

: ON PETITION

This is a decision on the petition filed June 17, 2011, requesting that the above-identified application be retain a filing date of July 24, 2007, with page 3 page of specification as part of the original disclosure.

Petitioner states that petitioner was notified by the examiner that page 3 of the specification as it was filed on July 27, 2007, was missing from the specification. Petitioner now files the instant petition requesting that page 3 of the specification be included as part of the original disclosure filed July 24, 2007. Petitioner has provided a copy of an Office date-stamped postcard in which the Office acknowledges receiving 51 pages of the specification, among other items, on July 24, 2007.

Upon review of the record, the page 3 of specification was not located among the original application papers. However, the evidence is convincing that the application papers deposited July 24, 2007, included the page 3 of specification that was subsequently misplaced by the Office. The application, including the page 3 of the specification is entitled to a filing date of July 24, 2007.

Accordingly, the petition is granted. The petition fee of $400.00 will be refunded, in due course.

The application file is being directed to Technology Center, GAU 3657 for further processing with a filing date of July 24, 2007, including the page 3 of the specification, a copy of which was filed with the instant petition.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/878,540	07/25/2007	Derek Coon	123703.02	8424

25944 7590 01/26/2012
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
LIU, MICHAEL

ART UNIT	PAPER NUMBER
2882	

NOTIFICATION DATE	DELIVERY MODE
01/26/2012	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):

OfficeAction25944@oliff.com
jarmstrong@oliff.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

Paper No. 01202012

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4580

In re Application of:	:	
Coon *et al.*	:	
Application No. 11/878,540	:	DECISION ON PETITION
Filed: July 25, 2007	:	
Attorney Docket No. 123703.02	:	

This is a decision on the petition filed on July 14, 2009, stating that the Office action mailed on April 15, 2009, in the above-identified application was never received by Oliff & Berridge, and requesting that the period for reply be reset from the date (July 13, 2009) on which the Office action was discovered.

The petition is **dismissed**.

A final Office action was mailed on April 15, 2009, setting a three month shortened statutory period for response. A response to the final Office action with a two month extension of time was received by the PTO on September 1, 2009.

Petitioner states that the above identified Office action mailed on April 15, 2009, was never received by Oliff & Berridge. To support the petition, petitioner states that during a routine status check on July 13, 2009, it was discovered that the Office action allegedly was mailed on April 15, 2009. Applicant representatives then downloaded the Office action on July 13, 2009.

A review of the application file 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 practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office action must include a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact 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 must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c).

A review of the petition reveals that the petitioner failed to provide the required showing to support their statement that the Office action mailed April 15, 2009, was not received. Specifically, petitioner did not provide the required statement 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." Additionally, the petition was not accompanied by a copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received. Accordingly, the petition is appropriately dismissed.

Inquiries regarding this decision should be directed to Ed Glick, Supervisory Patent Examiner, at (571) 272-2490.

Joseph Thomas, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Component

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	11878547
Filing Date	25-Jul-2007
First Named Inventor	Derek Coon
Art Unit	2882
Examiner Name	MICHAEL LIU
Attorney Docket Number	123703.03
Title	IMMERSION LITHOGRAPHY FLUID CONTROL SYSTEM USING AN ELECTRIC OR MAGNETIC FIELD GENERATOR

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	/Justin T. Lingard/
Name	Justin T. Lingard
Registration Number	61276

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : July 7,2011

In re Application of :

Derek Coon

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11878547

Filed : 25-Jul-2007

Attorney Docket No : 123703.03

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed July 7,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

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

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

This application file is being referred to Technology Center AU 2882 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

JAN 05 2011

OFFICE OF PETITIONS

In re Application of	:	
Riston Tuominen	:	
Application No. 11/878,557	:	DECISION GRANTING PETITION
Filed: July 25, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 0365-0601PUS3	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, January 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 December 7, 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 2895 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

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED

AUG 05 2011

OFFICE OF PETITIONS

In re Application of	:	
Masumi Suzuki et al	:	
Application No. 11/878,621	:	DECISION GRANTING PETITION
Filed: July 25, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1381.1040	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 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 on July 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]

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

This application is being referred to Technology Center AU 2835 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed 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.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 2/28/2011

TO SPE OF : ART UNIT 2116

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/878634 Patent No.: 7836326 B2

CofC mailroom date: 2/11/2011

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

Certificates of Correction Branch

703-756-1814 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

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

Comments: _____

/THOMAS LEE/
SPE

2115
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.
11/878,783	07/26/2007	Han Bing	1907.1186	1575

21171 7590 04/18/2012
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
HAIEM, SEAN N

ART UNIT	PAPER NUMBER
2422	

MAIL DATE	DELIVERY MODE
04/18/2012	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

April 18, 2012

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of	:	
Han Bing et al.	:	**DECISION ON PETITION**
Application No. 11878783	:	
Filed: 7/26/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 1907.1186	:	***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) July 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 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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of	:	
FINKELSHTAIN, Gennadi et al.	:	
Application No. 11/878,842	:	DECISION ON PETITION
Filed: July 27, 2007	:	TO WITHDRAW
Attorney Docket No. **P32117**	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 14, 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 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.

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).

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. Also, there is no indication that acts one (1) through three (3) noted in the above-identified certifications has been performed.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

QUINE INTELLECTUAL PROPERTY LAW GROUP, PC
PO BOX 458
ALAMEDA, CA 94501

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of
Florence Pojer, et al.
Application No. 11/879,026
Filed: July 13, 2007
Attorney Docket No. 95-000210US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 18, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Quine Intellectual Property Law Group, PC has been revoked by the assignee of the patent application on September 2, 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 undersigned at 571-272-1642.

/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
www.uspto.gov

MAILED

SEP 09 2010

OFFICE OF PETITIONS

QUINN EMANUEL URQUHART & SULLIVAN, LLP
865 S. FIGUEROA STREET, 10TH FLOOR
LOS ANGELES CA 90017

In re Application of Kazuo Fujita Application No. 11/879,086 Filed: July 16, 2007 Attorney Docket No. 85A 4005	: : : : :	NOTICE

This is in response to the paper filed July 14, 2010, under 37 CFR 1.27(g)(2) requesting that status as a Small Entity be removed.

In accordance with Kabushiki Kaisha Shinkawa, status as a Small Entity has been removed.

The file is being returned to Files Repository.

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.
11/879,105	07/16/2007	Robert Almblad	1263 005 301 0251	2549

37211 7590 02/09/2011
BASCH & NICKERSON LLP
1777 PENFIELD ROAD
PENFIELD, NY 14526

EXAMINER
WASAFF, JOHN SAMUEL

ART UNIT	PAPER NUMBER
3742	

NOTIFICATION DATE	DELIVERY MODE
02/09/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dneels@bnpatentlaw.com
dmasters@bnpatentlaw.com
mnickerson@bnpatentlaw.com

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
11879105	7/16/2007	ALMBLAD ET AL.	1263 005 301 0251

EXAMINER
JOHN WASAFF

ART UNIT	PAPER
3742	20110207

DATE MAILED:

BASCH & NICKERSON LLP
1777 PENFIELD ROAD
PENFIELD, NY 14526

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Pursant to the applicant petition filed on 2/4/11, the Information Disclosure Statement dated 09/03/10 has been considered. Annotated copy of IDS attached. In the furute, it is suggested that the applicant call the examiner any missing items to expedite or remedy any outstanding issues.

/Henry Yuen/
Supervisory Patent Examiner, TC 3700

/JOHN WASAFF/
Examiner, Art Unit 3742

INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application Number	11/879,105
	Filing Date	July 16, 2007
	First Named Inventor	Robert Almblad
	Art Unit	3742
	Examiner Name	J. Wasaff
	Confirmation Number	2549
SHEET 1 OF 2	Attorney Docket	1263 005 301 0251

U.S. PATENT DOCUMENTS

Examiner	Cite No.[1]	Document Number	Publication Date MM-DD-YYYY	Name of Patentee / Applicant of Cited	Pages, Columns, Lines
	1.	6668704	12-30- 2003	Lassota	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document	Publication Date	Name of Patentee or	Pages, Columns,	T[6]

Examiner signature	/John Wasaff/	Date Considered	02/07/2011

*EXAMINER: **Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered.** Include copy of this form with next communication to Applicant. 1. Applicant's unique citation designation number (optional). 2. See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4. For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6. Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. 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.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application	11/879,105
	Filing Date	July 16, 2007
	First Named	Robert Almblad
	Art Unit	3742
	Examiner Name	J. Wasaff
	Confirmation	2549
SHEET 2 OF 2	Attorney Docket	1263 005 301 0251

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.[1]	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T[2]
	2.	An unofficial copy of an International Search Report and Written Opinion dated September 22, 2008 for International PCT Application PCT/US07/16234 corresponding to US Patent Application 11/879.105	

Examiner signature	/John Wasaff/	Date Considered	02/07/2011

*EXAMINER: **Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered.** Include copy of this form with next communication to Applicant. 1. Applicant's unique citation designation number (optional). 2. See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4. For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6. Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CLINICAL DATA, INC.
Attn: Amy Mendel
ONE GATEWAY CENTER SUITE 702
NEWTON MA 02458

MAILED
JUN 22 2011
OFFICE OF PETITIONS

In re Application of:	:
Beauglehole et al.	: ON REQUEST FOR
Application No. 11/879133	: RECONSIDERATION OF
Filing or 371(c) Date: 07/16/2007	: PATENT TERM ADJUSTMENT
Atty. Docket No.:	:
ATL-010-US	:

This letter is in response to the "REQUEST FOR RECONSIDERATION OF PTA UNDER 36 CFR 1.705(b)," filed May 2, 2011. Applicants submit that the correct patent term adjustment should be a minimum of 923 days, not 551 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction based upon an assertion that the Office erred in failing to calculate a delay of 24 days pursuant to 37 CFR 1.704(b), and (2) the Office will take in excess of three years to issue this patent. The Request for Reconsideration of Patent Term Adjustment is properly treated under 37 C.F.R. § 1.705(b).

The Request for Reconsideration of Patent Term Adjustment ("PTA") under 37 CFR 1.705(b), as it relates to the assertion that the Office erred in calculating a delay of 24 days is **GRANTED to the EXTENT INDICATED**.

The Request for Reconsideration of Patent Term Adjustment ("PTA") under 37 CFR 1.705(b), 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 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 five hundred twenty-seven **(527)** days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On February 2, 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 551 days.

On May 2, 2011, applicant timely submitted the present application for patent term adjustment[1]. Applicants assert that the Office erred in failing to calculate a delay of 24 days pursuant to 37 CFR 1.704(b), in connection with the filing of a reply to a Notice to File Missing parts of Nonprovisional Application ("Notice"), mailed on August 24, 2007. Applicants provide that a response to the Notice was filed on December 18, 2007, three (3) months and 24 days after the mailing of the Notice, and a delay of 24 days, beginning on November 25, 2007, and ending on December 18, 2007, constitutes Applicants' delay.

Applicants also aver that they are entitled to a Patent Term Adjustment pursuant to 37 CFR §§ 1.702(b) and 1.703(b) equivalent to the sum of the number of days in the period beginning on July 17, 2010, and ending on the date the patent issues, anticipated by the Notice of Allowance to be August 16, 2011.

OPINION

Applicants' arguments have been carefully considered. A review of Office records confirm that the Office mailed a Notice to File Missing parts of Nonprovisional Application ("Notice"), mailed on August 24, 2007. Applicants filed a reply to the Notice on December 18, 2007, three (3) months and 24 days after the mailing of the Notice, beginning on November 25, 2007, and ending on December 18, 2007, and the entry of a period of reduction of 24 days is appropriate.

In view thereof, the correct Patent Term Adjustment at the time of the mailing of the Notice of Allowance is five hundred twenty-seven (527) days, subject to any terminal disclaimer.

With regard to the argument under 37 CFR 1.702(b), 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

[1] Office records show that the Issue Fee payment was received in the Office on May 2, 2011.

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[2].

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 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.

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) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of Adjustment PAIR Calculations

CC: McCARTER & ENGLISH, LLP
265 FRANKLIN STREET, 14TH FLOOR
BOSTON, MA 02110

---

[2] 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.

Patent Term Adjustments

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

Application Number*: 11879133 Search | Explanation of PTA Calculation | Explanation of PTE Calculation

PTA Calculations for Application: 11879133

Application Filing Date	07/16/2007	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	583
A Delays	583	PTO Manual Adjustment	-24
B Delays	0	Applicant Delay (APPL)	32
C Delays	0	Total PTA (days)	527

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
66	06/10/2011		P028	Adjustment of PTA Calculation by PTO		24	0
52	02/02/2011		MN/=.	Mail Notice of Allowance			0
51	01/28/2011		IREV	Issue Revision Completed			0
50	01/28/2011		DVER	Document Verification			0
49	01/28/2011		N/=.	Notice of Allowance Data Verification Completed			0
48	01/24/2011		CNTA	Allowability Notice			0
45	01/17/2011		FWDX	Date Forwarded to Examiner			0
44	01/14/2011		A.NE	Amendment after Final Rejection			0
43	12/22/2010		MCTAV	Mail Advisory Action (PTOL - 303)			0
42	12/20/2010		CTAV	Advisory Action (PTOL-303)			0
41	12/15/2010		FWDX	Date Forwarded to Examiner			0
40	12/14/2010		A.NE	Amendment after Final Rejection			0
39	11/15/2010		FLRCPT.C	Filing Receipt - Corrected			0
37	11/04/2010		BIG.	Statement Filed Indicating a Loss of Entitlement to Small Entity Status			0
36	10/14/2010		MCTFR	Mail Final Rejection (PTOL - 326)			0
35	10/01/2010		CTFR	Final Rejection			0
34	08/31/2010		FWDX	Date Forwarded to Examiner			0
33	08/23/2010	07/22/2010	A...	Response after Non-Final Action		32	29
32	08/23/2010		XT/G	Request for Extension of Time - Granted			0
31	07/28/2010		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
30	07/26/2010		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
29	04/22/2010	09/16/2008	MCTNF	Mail Non-Final Rejection	583		0.5
28	04/21/2010		CTNF	Non-Final Rejection			0
22	05/07/2009		PG-ISSUE	PG-Pub Issue Notification			0
21	04/22/2009		DOCK	Case Docketed to Examiner in GAU			0
20	04/20/2009		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
17	02/13/2009		OIPE	Application Dispatched from OIPE			0
16	01/29/2009		PGPC	Sent to Classification Contractor			0
15	01/29/2009		FLRCPT.U	Filing Receipt - Updated			0
12	01/05/2009		PA..	Change in Power of Attorney (May Include Associate POA)			0
10	12/30/2008		C.AD	Correspondence Address Change			0
27	08/07/2008		IDSC	Information Disclosure Statement considered			0
26	08/07/2008		IDSC	Information Disclosure Statement considered			0
19	08/07/2008		RCAP	Reference capture on IDS			0
18	08/07/2008		M844	Information Disclosure Statement (IDS) Filed			0
9	08/07/2008		WIDS	Information Disclosure Statement (IDS) Filed			0
8	08/07/2008		WIDS	Information Disclosure Statement (IDS) Filed			0
14	12/18/2007		ADDFLFEE	Additional Application Filing Fees			0
13	12/18/2007		OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic			0
7	08/24/2007		INCD	Notice Mailed--Application Incomplete--Filing Date Assigned			0
5	08/14/2007		L128	Cleared by L&R (LARS)			0
4	07/23/2007		L198	Referred to Level 2 (LARS) by OIPE CSR			0
3	07/23/2007		CLSS	CASE CLASSIFIED BY OIPE			0
2	07/20/2007		SCAN	IFW Scan & PACR Auto Security Review			0
1	07/17/2007		IEXX	Initial Exam Team nn			0
0.5	07/16/2007		EFILE	Filing date			0

Export to: Excel

UNITED STATES PATENT AND TRADEMARK OFFICE

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

IGNACIO MARC ASPERAS
16 Wincott Drive
Melville NY 11747

MAILED
MAR 06 2012
OFFICE OF PETITIONS

In re Application of :
Asperas :
Application No. 11/879,152 : ON PETITION
Filed: August 22, 2007 :
Attorney Docket No. 12161967-03 US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 18, 2012, to revive the above-identified application.

The petition is **DISMISSED**.

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

Submission of the required petition fee is a prerequisite prior to treatment on the merits of any petition submitted pursuant to 37 CFR 1.137(b). The instant petition lacks the required petition fee and no authorization to charge a deposit account was included with the petition.

In view thereof, a decision on the merits of the instant petition is not forthcoming.

Any request for reconsideration of this decision must include the required petition fee due.

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 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
www.uspto.gov

FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO, MI 49008-1631

MAILED

JUL 21 2011

OFFICE OF PETITIONS

In re Patent No. 7,451,910 :
Issue Date: November 18, 2008 :
Application No. 11/879,214 : NOTICE
Filed: July 16, 2007 :
Patentee(s): Robert Frost, et. al. :

This is a Notice regarding your "REQUEST FOR CORRECTION OF ERROR IN SMALL ENTITY STATUS UNDER 37 CFR 1.28(c)," filed on June 27, 2011, requesting acceptance of a fee deficiency submission under 37 CFR 1.28(c).

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

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**. Therefore, status as a small entity has been removed and any future fee(s) submitted must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
JUN 13 2011
OFFICE OF PETITIONS

FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

In re Application of	:	
Messerschmid et al.	:	
Application Number: 11/879,217	:	NOTICE
Filing or 371(c) Date: 07/16/2007	:	
Attorney Docket Number: 5000.P0144US	:	

This is a notice regarding your request for acceptance of a fee deficiency submission, which is treated under 37 CFR 1.28, filed on May 2, 2011.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.

DWood
Douglas Wood
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

FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

MAILED

JUL 19 2011

OFFICE OF PETITIONS

In re Application:	:	
Frost et al.	:	
Application No. 11/879,218	:	ON PETITION
Filed: July 16, 2007	:	
Attorney Docket No. 5000.P0143US	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed June 27, 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 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.

Further, although the petition is signed by a registered patent attorney/agent it does not set forth a USPTO registration number. Petitioner should note that all documents submitted before the United States Patent and Trademark Office by a registered patent attorney/agent must contain his/her registration number. However, the accompanying document does include the signature and registration number for Liane L. Churney. Therefore, the petition is accepted as being properly signed.

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
www.uspto.gov

HUGO PALACIOS
246 ALBERT COURT
HEALDSBURG, CA 95448

MAILED

JUN 27 2011

OFFICE OF PETITIONS

In re Application of
Hugo Palacios
Application No. 11/879,236
Filed: September 27, 2007
Attorney Docket No.

ON PETITION

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed April 12, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

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

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

On March 18, 2010, the Office mailed a final Office action, which set a three month shortened statutory period to reply. The application became abandoned on June 21, 2010, for failure to submit a timely response to the final Office action. On October 26, 2010, the Office mailed a Notice of Abandonment.

Petitioner argues that a response to the March 18, 2010 final Office action was filed August 14, 2010 with the United States Postal Service (USPS), however the post office facility was completely destroyed by fire. Petition also presumed that his response was also destroyed in the fire. Proof of the devastation to the post office has been submitted but neither a copy of the response bearing a certificate of mail pursuant to 37 CFR 1.8[1] or a post card receipt pursuant to

[1] 37 CFR 1.8(b) states 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 by the US Patent and Trademark Office, and the application is held to be abandoned or the proceedings 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 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 Commissioner 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.

MPEP 503[2] was used and either would have been accepted as proof of filing. Petitioner is also directed to Section 711.03 of the Manuel of Patent Examining Procedure for guidance in that petitioner is arguing that a timely response to the Office action was mailed and provide, in pertinent part that:

> 37 CFR 1.10(c) trough 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 to the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 CFR 1.10(c), (d), (e), or (g) (*See* MPEP § 513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered into 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, of the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a post card 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 postcard receipt.
>
> Where a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, , see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USSPTO. 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 should include the 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 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 un 37 CFR 1.8).
>
> 37 CFR 1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 CFR 1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed for the time of mailing transmitting of the

---

[2] The USPTO has a well-established and well-publicized practice of providing a receipt for papers filed in the USPTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the USPTO with a self-addressed postcard identifying the paper. A postcard which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. *See* MPEP 503.

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.

Since petitioner has not provided *prima facie* evidence that a proper response to the Office action of March 18, 2010, was deposited with the USPS Express Mail Service under 37 CFR 1.10 within the period for reply, has not provided a certificate of mailing pursuant to 37 CFR 1.8, or an USPTO date-stamped postcard, the petition to withdraw the holding of abandonment is **dismissed**. A copy of the March 18, 2010 Office action accompanies this decision for petitioner's convenience.

As to the petition under 37 CFR 1.137(a):

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks items (1) and (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 unavoidable delay or to accept an unavoidably delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $540. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. See 37 CFR 1.27.

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

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).

(2) The petition fee as set forth in 37 CFR 1.17(m), **$810.00 for a small entity**;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Any request for reconsideration of this decision should be submitted within **TWO (2) MONTHS** from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

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

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

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

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

Telephone inquiries related to this decision may be directed to the April M. Wise at (571) 272-1642.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival of An Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement; and a copy of the Office action dated March 18, 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

AMGEN INC.
MAIL STOP 28-2-C
ONE AMGEN CENTER DRIVE
THOUSAND OAKS CA 91320-1799

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Fang-Tsao HONG et al.	:	
Application No. 11/879,243	:	DECISION ON PETITION
Filed: July 16, 2007	:	
Attorney Docket No. A-1145-US-NP	:	

This is a decision on the petition, filed November 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**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before October 06, 2010, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed July 06, 2010. Accordingly, the application became abandoned on October 07, 2010

Petitioner asserts that the Notice dated July 06, 2010 was not received.

A review of the written record indicates no irregularity in the mailing of the Notice and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

1. a statement from 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 nonreceived Notice would have been entered and docketed had it been received must be attached to and referenced in the practitioner'statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).
The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The issue and publication fees, submitted with the petition on November 08, 2010 are accepted.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Apr-12

NIXON PEABODY, LLP
300 S. Riverside Plaza, 16th Floor
CHICAGO IL 60606-6613

MAILED
APR 12 2012
OFFICE OF PETITIONS

In re Application of	:	
Engbert et al.	:	
Application No. 11/879,246	:	ON PETITION
Filed: 07/17/2007	:	
Attorney Docket No. 247161-000029USD1	:	

This is a decision in response to the petition under 37 CFR 1.137(b) filed on March 15, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on September 28, 2010, for failure to timely file a reply to the Office action requiring restriction and/or election mailed on August 27, 2010, which set a one (1) month or thirty (30) day, whichever is longer, 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 March 29, 2011.

Receipt of the response to election and or restriction filed on March 15, 2012 is acknowledged.

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

The Statement Under 37 CFR 3.73(b) filed on April 11, 2012, cannot be accepted because it contains an undated and unintialed alteration. Specifically, the Statement Under 37 CFR 3.73(b) filed on April 11, 2012 appears to be a copy of the Statement Under 37 CFR 3.73(b) filed on March 16, 2012, except that block 1 has been completed with an "X". Pursuant to 37 CFR 1.52(c)(1), any interlineation, erasure, cancellation or other alteration of the application papers filed must be made before the signing of any accompanying oath or declaration pursuant to § 1.63 referring to those application papers and should be dated and initialed or signed by the applicant on the same sheet of paper.

A newly-executed, properly completed Statement Under 37 CFR 3.73(b) must be filed, or the alteration must be dated and initialed. The power of attorney cannot be accepted until a new Statement Under 37 CFR 3.73(b) in compliance with the above is filed in the USPTO.

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.

The application is referred to Technology Center Art Unit 2614 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

UNITED STATES 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: 11/29/10

Patent No. : 7762508 B2
Ser. No. : 11/879,301
Inventor(s) : **Xu**
Issued : **July 27, 2010**
Title : **FIXING STRUCTURE OF A ROD MEMBER FOR USE IN SHOWER CURTAINS**
Docket No. : **21107125**

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(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.

Lamonte M. Newsome

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

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

LMN

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.
11/879,466	07/17/2007	Stuart L. Schreiber	H0824.70028US01	3533

86110 7590 04/09/2012
Harvard University & Medical School
c/o Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210-2206

EXAMINER
WARD, PAUL V

ART UNIT	PAPER NUMBER
1624	

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.

UNITED STATES 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 6, 2012

Harvard University & Medical School
c/o Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston MA 02210-2206

In re Application of	:	
Stuart L. Schreiber et al.	:	**DECISION ON PETITION**
Application No. 11879466	:	
Filed: 07/17/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **H0824.70028US01**	:	***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 25, 2008.

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

UNITED STATES 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 26 2011
OFFICE OF PETITIONS

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

In re Application of	:
Simpson, et al.	: DECISION ON PETITION
Application No. 11/879,478	:
Filed: July 17, 2007	:
Atty. Dkt. No.: 60027.0171USC1/BS 02411 C	:

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 and the alternative petition to revive under 37 CFR 1.137(b), filed September 16, 2011.

The application became abandoned April 5, 2011 for failure to timely submit a proper reply in response to the non-final Office action mailed January 4, 2011. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed September 1, 2011.

DECISION UNDER 37 CFR 1.181

Petitioners argue that the non-final Office action mailed January 4, 2011 was directed to the wrong set of claims. Petitioners reference telephone conversations and messages exchanged between petitioners and the USPTO with regard to this matter. Petitioners appeared to have relied upon these oral communications and did not submit a written reply to the non-final Office action mailed January 4, 2011 or file a petition for review of the examiner's actions prior to the abandonment of the application.

Petitioner's arguments have been carefully reviewed, but have not been found convincing. As business is conducted on the written record (37 CFR 1.2), reliance upon oral advice from USPTO employees is not grounds for withdrawal of the holding of abandonment. The record does not reflect that a proper reply to the non-final Office action was submitted within the time period for reply set forth therein. Failure by applicant of a patent application to reply within the time period provided under § 1.134 and § 1.136 results in abandonment of the application as a matter of law. See, 37 CFR 1.135(a). Absent a showing that a proper reply to the Notice of Allowability was timely filed within the time period for reply set forth therein, the holding of abandonment will not be withdrawn.

Accordingly, the petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **DISMISSED**.

DECISION UNDER 37 CFR 1.137(b)

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

As to requirement (1), receipt is acknowledged of the corrected drawing. As to item (2), the required petition fee has been charged to the authorized deposit account. As to item (3), a proper statement of unintentional delay has been provided. Item (4) is not applicable to the instant application.

After careful review, the instant petition has been found in compliance with the requirements set under 37 CFR 1.137(b).

Accordingly, the instant petition is being forwarded to Group Art Unit 2614 for further processing.

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Department of the Navy Office of Counsel
Suite 103
3824 Strauss Ave
Indian Head MD 20640-5152

MAILED
NOV 05 2010
OFFICE OF PETITIONS

In re Application of :
Gerrit Sutherland et al. :
Application No. 11/879,525 : DECISION ON PETITION
Filed: July 3, 2007 :
Attorney Docket No. 96,825 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 4, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed February 12, 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 May 13 2010. A Notice of Abandonment was mailed on August 24, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620 and (3) a proper statement of unintentional delay. 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 3641 for appropriate action by the Examiner in the normal course of business on the reply received October 4, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02/13/12

TO SPE OF : ART UNIT 2432

SUBJECT : Request for Certificate of Correction for Appl. No.: 11879529 Patent No.: 8042183

CofC mailroom date: 01/18/12

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 to claim 12 be approved?**

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

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

Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

☐ **Approved** — **All** changes apply.

☐ **Approved in Part** — Specify below which changes **do not** apply.

☐ **Denied** — State the reasons for denial below.

Comments: ALL CHANGES ARE APPROVED

/GILBERTO BARRON JR./ — 2432

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
SEP 09 2010
OFFICE OF PETITIONS

SALESFORCE.COM, INC.
CARE OF DAVID LEWIS REGISTERED PATENT AGENT
1250 AVIATION AVENUE
SUITE 200B
SAN JOSE, CA 95110

In re Application of Timothy J.Barker, et al. Application No. 11/879,535 Filed: July 7, 2007 Attorney Docket No.: 48-10 / 048US1	: : : : :	ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed July 19, 2010.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before July 6, 2010, as required by the Notice of Allowance and Fee(s) Due mailed April 5, 2010. A Notice of Abandonment was subsequently mailed on July 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 the $1,510 issue fee and $300 publication fee; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HARNESS, DICKEY & PIERCE P.L.C.
5445 CORPORATE DRIVE
SUITE 200
TROY, MI 48098

MAILED

MAR 08 2011

OFFICE OF PETITIONS

In re Application of	:	
Hudiono et al.	:	
Application No. 11/879,614	:	DECISION ON PETITION
Filed: July 18, 2007	:	
Attorney Docket No. MP1279	:	

This is a decision on the petition under 37 CFR 1.182, filed December 21, 2010, to change the order of the names of the inventors.

The petition is **GRANTED**.

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

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

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

This application is being referred to Technology Center 2627 for further examination on the merits.

/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
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/879,614	07/18/2007	2627	3550	MP1279	59	6

CONFIRMATION NO. 4978

CORRECTED FILING RECEIPT

26703
HARNESS, DICKEY & PIERCE P.L.C.
5445 CORPORATE DRIVE
SUITE 200
TROY, MI 48098

OC000000046298274

Date Mailed: 03/02/2011

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)

Lim Hudiono, Laguna Niguel, CA;
Daniel R. Pinvidic, San Juan Capistrano, CA;
Stanley K. Cheong, Lake Forest, CA;

Power of Attorney: The patent practitioners associated with Customer Number 26703

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/910,937 04/10/2007

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: 08/06/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/879,614**

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

DATA WEDGE FORMAT TABLE SYNCHRONIZATION

Preliminary Class

360

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

KINNEY & LANGE, P.A.
312 SOUTH 3RD STREET
THE KINNEY & LANGE BUILDING
MINNEAPOLIS MN 55415

MAILED

DEC 07 2010

OFFICE OF PETITIONS
ON PETITION

In re Application of :
Huang, et al. :
Application No. 11/879,637 :
Filed: July 18, 2007 :
Attorney Docket No. I69.12-0648 :

This is a decision on the petition under 37 CFR 1.47, filed August 23, 2010. This matter is being properly treated under 37 CFR 1.183 to waive the requirements of 37 CFR 1.131 to the extent that it requires that all of the named inventors execute the declaration under 37 CFR 1.131.

The petition is granted to the extent infra.

Petitioners assert that, while all of the named inventors contributed to the conception of the claimed invention which is under rejection, only one of the four joint inventors has agreed to execute the attached declaration under 37 CFR 1.131 in support of establishing conception of the claimed invention prior to March 10, 2010.

As noted in MPEP 715.04, an adequate showing may lead to acceptance of a declaration under 37 CFR 1.131 executed by less than all the named inventors of the claimed subject matter in question.[1] Under the facts presented, it is agreed that justice requires waiver of the rules to the extent that they require each inventor to make declaration. However, the favorable decision herein does not relieve applicants from their burden to establish that the invention was completed before the date of the reference and that the claimed invention was the product of the joint inventors. See, In re Carlson, 79 F.2d. 900, 27 USPQ 400 (CCPA 1935).

This application is being referred to Technology Center AU 1785 for further examination on the merits.

The required petition fee of $400.00 has been charged to the authorized deposit account.

Inquiries regarding this communication may be directed to the undersigned at (571) 272-3205. Inquiries concerning the examination or status of the application should be directed to the Technology Center.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

[1] If a petition under 37 CFR 1.47 was granted or the application was accepted under 37 CFR 1.42 or 1.43, the affidavit or declaration may be signed by the 37 CFR 1.47 applicant or the legal representative, where appropriate. See, MPEP 715.04(C).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KINNEY & LANGE, P.A.
312 SOUTH 3RD STREET
THE KINNEY & LANGE BUILDING
MINNEAPOLIS MN 55415

MAILED
MAR 08 2011
OFFICE OF PETITIONS

In re Application of :
Huang, et al. :
Application No. 11/879,637 :
Filed: July 18, 2007 :
Attorney Docket No. S895.12-0648 :

ON PETITION

This is a decision on the supplemental petition under 37 CFR 1.47, filed December 8, 2010. This matter is being properly treated under 37 CFR 1.183 to waive the requirements of 37 CFR 1.131 to the extent that it requires that all of the named inventors execute the declaration under 37 CFR 1.131.

The petition is granted to the extent infra.

Petitioners assert that, while all of the named inventors contributed to the conception of the claimed invention which is under rejection, only three of the four joint inventors has agreed to execute the attached declaration under 37 CFR 1.131 in support of establishing conception of the claimed invention prior to March 10, 2010.

As noted in MPEP 715.04, an adequate showing may lead to acceptance of a declaration under 37 CFR 1.131 executed by less than all the named inventors of the claimed subject matter in question.[1] Under the facts presented, it is agreed that justice requires waiver of the rules to the extent that they require each inventor to make declaration. However, the favorable decision herein does not relieve applicants from their burden to establish that the invention was completed before the date of the reference and that the claimed invention was the product of the joint inventors. See, In re Carlson, 79 F.2d. 900, 27 USPQ 400 (CCPA 1935).

This application is being referred to Technology Center AU 1785 for further examination on the merits.

Inquiries regarding this communication may be directed to the undersigned at (571) 272-3205. Inquiries concerning the examination or status of the application should be directed to the Technology Center.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

[1] If a petition under 37 CFR 1.47 was granted or the application was accepted under 37 CFR 1.42 or 1.43, the affidavit or declaration may be signed by the 37 CFR 1.47 applicant or the legal representative, where appropriate. See, MPEP 715.04(C).

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.
11/879,655	07/17/2007	Calvin Jay Kuo	STAN-422 (S05-108)	5249

7590 04/19/2011
Stanford University Office of Technology Licensing
Bozicevic, Field & Francis LLP
1900 University Avenue
Suite 200
East Palo Alto, CA 94303

EXAMINER
HARRIS, ALANA M

ART UNIT	PAPER NUMBER
1643	

MAIL DATE	DELIVERY MODE
04/19/2011	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

April 18, 2011

Stanford University Office of Technology Licensing
Bozicevic, Field & Francis LLP
1900 University Avenue
Suite 200
East Palo Alto CA 94303

In re Application of	:	
Kuo, Calvin Jay, et al	:	**DECISION ON PETITION**
Application No. 11/879,655	:	
Filed: 07/17/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. STAN-422 (S05-108)	:	***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) July 17, 2007.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Aug-10

PATENT DOCKET DEPARTMENT
ARMSTRONG TEASDALE LLP
7700 FORSYTH BOULEVARD
SUITE 1800
ST. LOUIS MO 63105

MAILED

AUG 26 2010

OFFICE OF PETITIONS

In re Application of Douglas H. Trotter Application Number: 11/879750 Filing Date: 07/18/2007 Attorney Docket Number: 29691-00005	LETTER DISMISSING PETITION UNDER 37 CFR 1.47(a)

This is in response to the letter filed on July 22, 2008, which is treated as a petition under 37 CFR 1.47(a).

The petition is **DISMISSED AS MOOT**.

The Office apologizes for the delay in responding to the present petition.

On July 18, 2007, the above-identified application was filed without an executed oath or declaration.

Accordingly, on August 8, 2007, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application requiring an executed oath or declaration and a surcharge for its late filing, the statutory basic filing fee, application search fee, and application examination fee were also required, along with replacement drawings. A two (2) month period for reply was set.

On July 22, 2008, a petition to revive under 37 CFR 1.137(b) was filed, along with a declaration naming Douglas H. Trotter as the sole inventor, replacement drawings, and the required fees. On November 6, 2008, the petition was granted.

The papers filed on July 22, 2008, also included the subject letter, signed by the sole inventor. The letter states that Michael W. Brogan is a co-inventor, and that petitioner attempted to contact Brogan to obtain his signature on the declaration, but was unable to determine a current address for him.

37 CFR 1.41(a)(1) defines the inventorship of a non-provisional application as that inventorship set forth in the oath or declaration filed to comply with the requirements of 37 CFR 1.63.[1] Since the executed declaration filed on July 22, 2008, lists Douglas H. Trotter as the sole inventor, the inventive entity consists only of that inventor.

As all named inventors have signed the declaration, no Rule 47(a) issue exists. The petition is therefore dismissed as moot.

A request under 37 CFR 1.48(a) is required to be filed if petitioners desire to add Michael W. Brogan as a joint inventor. Additionally, a petition under 37 CFR 1.47(a), accompanied by the required fee as set forth in § 1.17(g), will be required if Michael W. Brogan is to be added as an inventor and has refused or cannot be found to sign the declaration. Lastly, if the persons sought to be added as an inventor refuses to sign the statement of lack of deceptive intent required under 37 CFR 1.48(a), a petition under 37 CFR 1.183, and the fee set forth in § 1.17(f), to waive § 1.48(a) will be required to be filed.

The petition is dismissed as moot without prejudice to reconsideration pending submission of a petition under 37 CFR 1.48, and under 37 CFR 1.183, if necessary, to add Brogan an inventors, accompanied by a renewed petition under 37 CFR 1.47 with regards to Brogan.

Furthermore, a grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventor.

Petitioner is reminded that before a refusal to sign under 37 CFR 1.47(a) can be shown, petitioner must present evidence that the application as filed (specification, including claims, drawings

[1] MPEP 605.

if any, and the declaration) was sent or given to the non-signing inventor.

In this regard, it is noted that the petition indicates that only the declaration was sent to Brogan. Before a refusal to sign can be alleged, however, petitioner must provide proof that the application as filed (specification, including the claims, drawings, if any, and the declaration), were sent or given to the non-signing inventor for review. If the inventor refuses in writing, petitioner must submit a copy of that written refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

In the event that the application papers are returned as undeliverable, petitioner may show diligent efforts to locate the non-signing inventor by providing a copy of an envelope showing that a letter sent to the last known address of the non-signing inventor was returned as undeliverable by the post office. Furthermore, details of the efforts made to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person having first-hand knowledge of the details. Additionally, if an inventor no longer lives at the last known address, petitioner must show diligent efforts to determine the last known address of the non-signing inventor by use of an internet database or telephone search, or other method. Petitioner should provide a detailed showing of the efforts made to determine the last known address of the non-signing inventor. If a more recent address is discovered, petitioners should send or give a copy of the application papers to the inventor at that address.

If repeated attempts to contact the non-signing inventor are unsuccessful, petitioners will have demonstrated that the inventors cannot be reached, despite diligent efforts, or have refused to sign the declaration.

Lastly, a new oath or declaration in compliance with 37 CFR 1.63 and 1.67, listing the residence, mailing address, and citizenship of all of the inventors and signed by the inventors to whom the corrections pertain must be provided with any petition under 37 CFR 1.47(a).

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

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

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

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

A reply may also be filed via the EFS-Web System of the USPTO.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COURTNEY STANIFORD &
GREGORY LLP
PO Box 9807
San Jose CA 95157

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of

Sokolic, et al.

Application No. 11/879,818

Filed: July 19, 2007

Attorney Docket No. CSHE.P017

DECISION ON PETITION

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

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 23, 2010, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on June 24, 2010. A Notice of Abandonment was mailed November 24, 2010.

The amendment filed November 23, 2010, is noted.

The application is being forwarded to Technology Center 3600, GAU 3694 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PATENTS AND LICENSING LLC
DANIEL W. JUFFERNBRUCH
28 BARRINGTON BOURNE
BARRINGTON IL 60010-9605

MAILED
MAY 09 2011
OFFICE OF PETITIONS

In re Application of	:	
John Manolas, et al.	:	
Application No. 11/879,828	:	DECISION ON PETITION
Filed: July 19, 2007	:	
Attorney Docket No. PL072-0002	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 26, 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, March 29, 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 30, 2010. The Notice of Abandonment was mailed October 27, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (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 Technology Center AU 1655 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

CERTIFICATE

Patent No. 7,766,030
Patented: 3 August 2010

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above-identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

Andy R. Askew; of Pfafftown, NC (US) and Stan Przybylowicz of Winston-Salem, NC (US).

Stephen M. Hepperle
Supervisory Patent Examiner
Art Unit 3753
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KIRPATRICK TOWNSEND & STOCKTON LLP
1001 WEST FOURTH STREET
WINSTON-SALEM NC 27101

In re Patent No. 7,766,030
Issue Date: 3 August 2010
Appl. No: 11/879,838
Filed: 19 July 2007
For: Correction of Inventorship

This is a decision on the petition filed 19 September 2011, to correct inventorship under 37 CFR 1.324.

The petition is **GRANTED**.

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

/Stephen M. Hepperle/

Stephen M. Hepperle
Supervisory Patent Examiner Art Unit 3753
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
JUL 05 2011
OFFICE OF PETITIONS

In re Application of
Yoshiteru Shikakura, et al.
Application No. 11/879,878
Filed: July 17, 2007
Attorney Docket No. S005-5470 (CIP)

DECISION ON PETITION

This is a decision on the petition, filed March 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 pay the issue and publication fees on or before January 8, 2011, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed October 8, 2010.

Petitioner states that a timely reply was mailed via certificate of mailing on January 7, 2011, which included the following papers: Issue fee transmittal and return post card receipt. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated January 7, 2011, which would have rendered the reply timely if received. The original reply is in the file.

The petition satisfies the requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of Allowance is hereby **withdrawn** and the application **restored to pending status**.

Since petitioner has already satisfied the requirements listed in the Notice of Allowance by providing payment of the issue and publication fees, this application is being forwarded to the Office of Data Management for further processing in accordance with this decision on petition.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642. all other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

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

/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
www.uspto.gov

Troy McDermott
629 Chestnut Ridge Drive
Minooka IL 60447

MAILED
JUN 30 2011
OFFICE OF PETITIONS

In re Application of

McDermott :

Application No. 11/879,903

: DECISION ON PETITION

Filed: July 20, 2007

:

Attorney Docket No.

This is a decision on the petition under 37 CFR 1.137(b), filed May 9, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 30, 2009, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on October 31, 2009. A Notice of Abandonment was mailed February 22, 2010.

The amendment filed May 9, 2011, is noted.

The application is being forwarded to Technology Center 2800, GAU 2839 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

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.
11/879,913	07/19/2007	Kevin Threlkeld	S06-02 RM 18047	5764

7590 12/28/2010

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

EXAMINER
KRUSE, DAVID H

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:
Kevin Threlkeld
Serial No.: 11/879,913
Filed: July 19, 2007
Attorney Docket No.: **S06-02 RM 18047**

: 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 January 12, 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

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.
11/879,919	07/19/2007	David D. Hoffman	S06-CL056534	5784

7590 12/28/2010

Dana S. Rewoldt, Esq.
Syngenta Seeds, Inc.
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:
Hoffman et al.
Serial No.: 11/879,919
Filed: July 19, 2007
Attorney Docket No.: **S06-CL056534**

: 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 February 6, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STRASBURGER & PRICE, LLP
ATTN: IP SECTION
1401 MCKINNEY
SUITE 2200
HOUSTON TX 77010

MAILED
SEP 07 2010
OFFICE OF PETITIONS

In re Application of	:
Wang, et al.	: DECISION REFUSING STATUS
Application No. 11/879,926	: UNDER 37 CFR 1.47(a)
Filed: July 19, 2007	:
Atty. Dkt. No.: 13942-1	:

This decision is in response to the renewed petition under 37 CFR 1.47(a) filed April 21, 2010.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Petitioners are given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted herein. The reply under 37 CFR 1.47(a) may include an oath or declaration executed by the non-signing inventors. Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventors cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition fails to satisfy requirement (2). An oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented.

Effective June 1, 2008, the Office will no longer accept as complying with 37 CFR 1.63(b)(3) an oath or declaration that does not acknowledge a duty to disclose information material to patentability as defined in 37 CFR 1.56. All oaths or declarations filed on or after June 1, 2008, are required to include the language expressly set forth in 37 CFR 1.63, including that in 37 CFR 1.63(b)(3), i.e., must state that "the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56." *See*, 1327 O.G. 45.

A newly executed oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the available inventors on behalf of themselves and the non-signing inventors is REQUIRED.

All available joint inventors must (1) make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 (see MPEP § 602, § 605.01, and § 1414) and (2) make oath or declaration on behalf of the nonsigning joint inventor as required by 37 CFR 1.64. An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated

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

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

By facsimile: (571) 273-8300

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

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

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
APR 09 2012
OFFICE OF PETITIONS

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

In re Application of	:	
Scherzinger	:	
Application No. 11/879,941	:	DECISION ON PETITION
Filed: July 19, 2007	:	
Attorney Docket No. APP0601	:	
For: INERTIAL NAVIGATTION	:	
ENHANCED LAND SURVEY SYSTEM	:	

This is a decision on the petition, filed March 2, 2012, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition to withdraw the holding of abandonment is **GRANTED**.

This above-identified application was held abandoned for failure to timely file a reply to a non-final Office action mailed July 26, 2011. The Office Action set a three (3) month shortened statutory period for reply. Accordingly, this application was held abandoned on October 27, 2011. A Notice of Abandonment was mailed on February 15, 2012.

Petitioner contends that the response including an amendment and request for two month extension of time were submitted on December 20, 2011 included a certificate of transmission dated December 20, 2011. In support of the petition, petitioner has provided a copy of the amendment and the auto-reply receipt.

Pursuant to 37 CFR 1.8, correspondence will be considered timely if the party who forwarded such correspondence:

> 1) Correspondence will be considered as being timely filed if:
> (i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:
> (A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail;
> (B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6 (d); or
> (C) Transmitted via the Office electronic filing system in accordance with § 1.6(a)(4); and,
> (ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person

signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

The petition satisfies the above requirements of 37 CFR 1.8. Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of July 26, 2011 is hereby withdrawn and the application restored to pending status.

The amendment submitted on December 20, 2011 has not been located in the Office. The copy submitted with the petition will be used for processing purposes. As such the reply is deemed timely.

The two month extension of time fee will be charged to deposit account no. 03-3125.

This application is being referred to Technology Center AU 3662 for appropriate action in the normal course of business on the reply received on March 2, 2012.

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

Charlema Grant

Charlema Grant
Attorney Advisor
Office of Petitions

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. 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. : **7,551,764 B2**

APPLICATION NO.: **11/880,011**

ISSUE DATE : **June 23, 2009**

INVENTOR(S) : **Mark G. Chiles et al.**

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 Column 22, Claim 1, please replace Lines 27-29 with the following:

--...the compact currency processing device being adapted to determine the denomination of each of the currency bills;--

In Column 23, Claim 23, please replace Lines 59-61 with the following:

--counting currency bills of a plurality of denominations using a currency bill processing device to determine a currency bill total;--

MAILING ADDRESS OF SENDER (Please do not use customer number below):

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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/2010

TO SPE OF : ART UNIT 2624 (2400)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/880,011 Patent No.: 7,551,764

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, LTE
Randolph Sq. Ste 9D62A
703-756-1590

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 /SA/ **ART UNIT** 2624

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of	:	
HURWITZ	:	
Application No. 11/880,249	:	DECISION ON PETITION
Filed: July 20, 2007	:	
Attorney Docket No. 0200-41 CIP2 CIP	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 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 December 2, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed September 2, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 3, 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) 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.

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

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.
11/880,290	07/20/2007	Sante Guercioni	8059P001	7540

8791 7590 03/28/2011
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
CAZAN, LIVIUS RADU

ART UNIT	PAPER NUMBER
3729	

MAIL DATE	DELIVERY MODE
03/28/2011	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

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of GUERCIONI, SANTE Appl. No.: 11/880,290 Filed: July 20, 2007 Atty. Docket No : 8059P001 For: METHODS FOR TWISTING ROTOR AND STATOR ENDS	DECISION ON PETITION Under 37 CFR 1.59

This is a decision on the petition under 37 CFR 1.59(b), filed Feb. 28, 2011 to expunge information from the above identified application. The petition fee of $200.00 set forth in 37 CFR 1.17(g) has been charged to Deposit Account in accordance with the petition.

The decision on the petition is held in abeyance.

In the petition, petitioner requests that the information submitted on Feb. 28, 2011 is a proprietary material and never made public before under MPEP § 724. In the petition, 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 decision on the petition is also held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time. Petitioner is urged to provide a clear identification of the information to be expunged prior to the conclusion of the prosecution of the application.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file. Currently, the information has been closed from public view for the remainder of prosecution.

Questions concerning this decision should be directed to Special Programs Examiner Henry C. Yuen at 571-272-4856.

Decision held in ABEYANCE.

Angela R. Sykes, Director
Technology Center 3700

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.
11/880,290	07/20/2007	Sante Guercioni	109062-0002-101	7540

28120 7590 12/16/2011
ROPES & GRAY LLP
IPRM - Floor 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON, MA 02199-3600

EXAMINER
CAZAN, LIVIUS RADU

ART UNIT	PAPER NUMBER
3729	

NOTIFICATION DATE	DELIVERY MODE
12/16/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPatentMail@ropesgray.com
USPatentMail2@ropesgray.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

ROPES & GRAY LLP
IPRM - Floor 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON MA 02199-3600

In re Application of
GUERCIONI, SANTE
Appl. No.: 11/880,290
Filed: July 20, 2007
Atty. Docket No : 109062-0002-101
For: METHODS FOR TWISTING ROTOR AND STATOR ENDS

: DECISION ON PETITION
: Under 37 CFR 1.59

This is a decision on the petition under 37 CFR 1.59(b), filed Sep. 28, 2011 to expunge information from the above identified application. The petition fee of $200.00 set forth in 37 CFR 1.17(g) has been charged to Deposit Account in accordance with the petition.

The decision on the petition is held in abeyance.

In the petition, petitioner requests that the information submitted on Feb. 28, 2011 is a proprietary material and never made public before under MPEP § 724. In the petition, 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 decision on the petition is also held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time. Petitioner is urged to provide a clear identification of the information including number of pages to be expunged prior to the conclusion of the prosecution of the application.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file. Currently, the document in question has been stored separately in an artifact file folder for the remainder of prosecution.

Questions concerning this decision should be directed to Special Programs Examiner Henry C. Yuen at 571-272-4856.

Decision held in ABEYANCE.

Angela D. Sykes, Director
Technology Center 3700

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.
11/880,290	07/20/2007	Sante Guercioni	109062-0002-101	7540

28120 7590 04/09/2012
ROPES & GRAY LLP
IPRM - Floor 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON, MA 02199-3600

EXAMINER
CAZAN, LIVIUS RADU

ART UNIT	PAPER NUMBER
3729	

NOTIFICATION DATE	DELIVERY MODE
04/09/2012	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):

USPatentMail@ropesgray.com
USPatentMail2@ropesgray.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

ROPES & GRAY LLP
IPRM - Floor 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON MA 02199-3600

In re Application of
GUERCIONI, SANTE
Appl. No.: 11/880,290
Filed: July 20, 2007
Atty. Docket No : 109062-0002-101
For: METHODS FOR TWISTING ROTOR AND STATOR ENDS

: DECISION ON PETITION
: Under 37 CFR 1.59

This is a decision on the petition under 37 CFR 1.59(b), filed March 30, 2012 to expunge information from the above identified application. The petition fee of $200.00 set forth in 37 CFR 1.17(g) has been charged to Deposit Account in accordance with the petition.

The decision on the petition is held in abeyance.

In the petition, petitioner requests that the information submitted on March 30, 2012 is a proprietary material and never made public before under MPEP § 724. In the petition, 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 decision on the petition is also held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time. Petitioner is urged to provide a clear identification of the information to be expunged prior to the conclusion of the prosecution of the application.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file. Currently, the document in question has been stored separately in an artifact file folder for the remainder of prosecution.

Questions concerning this decision should be directed to Special Programs Examiner Henry C. Yuen at 571-272-4856.

Decision held in ABEYANCE.

Angela D. Sykes, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

DEC 16 2010

OFFICE OF PETITIONS

In re Application of Tuschl et al. Application No. 11/880,355 Filed: July 19, 2007 Attorney Docket No. W0571.70010US09	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 28, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Helen C. Lockhart, on behalf of all attorneys of record who are associated with Customer Number 23628.

All attorneys/agents associated with the Customer Number 23628 have been withdrawn. Currently, Robert B. Murray Reg. No. 22,980, Nancy Linck Reg. No. 31,920, and Monica Kitts Reg. 36,105 are the attorneys of record in the above-identified application.

All future correspondence will be directed to the assignee at the address indicated below.

In order to assure that all interests are properly and effectively represented, further correspondence to the United States Patent and Trademark Office (USPTO) in this application - or resultant patent-- must be signed by both: (1) a registered practitioner representing Max- Planck; and (2) a registered practitioner representing the interests of the other co-assignees. Any counsel when signing subsequent papers must indicate whom he or she represents.

Since there is no agreement between the parties as to the correspondence address, the correspondence address for this application will be with the successors of Wolf Greenfield & Sacks, P.C, which is White Institute for Biomedical Research. Also, the successors of Wolf Greenfield & Sacks, P.C will be responsible for coordinating replies or submissions to the USPTO, unless the parties otherwise agree after the mailing date of this decision. In the event that the parties agree on a different correspondence address, a change of correspondence address, signed as discussed above, should be filed.

All parties are reminded that dual correspondence is not permitted, and will not be undertaken by the USPTO.

Currently, a Notice of Appeal was filed June 15, 2010 in the above-identified application.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: WHITE INSTITUTE FOR BIOMEDICAL RESEARCH
9 CAMBRIDGE CENTER, ROOM 111
CAMBRIDGE, MA 02142

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
11/880,355	07/19/2007	Thomas Tuschl	W0571.70010US09

CONFIRMATION NO. 7184

23628
WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

POWER OF ATTORNEY NOTICE

OC000000044973259

Date Mailed: 12/15/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/28/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

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

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.
11/880,380	07/20/2007	Glen Cairns	94149NAB	6530

7590 06/24/2011

David A. Novais
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER
ZHENG, JACKY X

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
06/24/2011	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

June 23, 2011

David A. Novais
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

Re Application of
CAIRNS, GLEN
Application: **11/880380**
Filed: **07/20/2007**
Attorney Docket No: **94149NAB**

: 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 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 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
www.uspto.gov

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

MAILED
DEC 16 2010
OFFICE OF PETITIONS

In re Application of	:	
Tuschl et al.	:	
Application No. 11/880,464	:	DECISION ON PETITION
Filed: July 19, 2007	:	TO WITHDRAW FROM RECORD
Attorney Docket No. W0571.70010US08	:	
	:	

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 28, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Helen C. Lockhart, on behalf of all attorneys of record who are associated with Customer Number 23628.

All attorneys/agents associated with the Customer Number 23628 have been withdrawn. Currently, Robert B. Murray Reg. No. 22,980, Nancy Linck Reg. No. 31,920, and Monica Kitts Reg. 36,105 are the attorneys of record in the above-identified application.

All future correspondence will be directed to the assignee at the address indicated below.

In order to assure that all interests are properly and effectively represented, further correspondence to the United States Patent and Trademark Office (USPTO) in this application - or resultant patent-- must be signed by both: (1) a registered practitioner representing Max- Planck; and (2) a registered practitioner representing the interests of the other co-assignees. Any counsel when signing subsequent papers must indicate whom he or she represents.

Since there is no agreement between the parties as to the correspondence address, the correspondence address for this application will be with the successors of Wolf Greenfield & Sacks, P.C, which is White Institute for Biomedical Research. Also, the successors of Wolf Greenfield & Sacks, P.C will be responsible for coordinating replies or submissions to the USPTO, unless the parties otherwise agree after the mailing date of this decision. In the event that the parties agree on a different correspondence address, a change of correspondence address, signed as discussed above, should be filed.

All parties are reminded that dual correspondence is not permitted, and will not be undertaken by the USPTO.

Currently, a Notice of Appeal was filed March 2, 2010 in the above-identified application.

Telephone inquiries 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

cc: WHITE INSTITUTE FOR BIOMEDICAL RESEARCH
9 CAMBRIDGE CENTER, ROOM 111
CAMBRIDGE, MA 02142

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
11/880,464	07/19/2007	Thomas Tuschi	W0571.70010US08

CONFIRMATION NO. 6918

POWER OF ATTORNEY NOTICE

23628
WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

OC000000044975035

Date Mailed: 12/15/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/28/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Ross J. Oehler
CEPHALON, Inc.
41 MOORES ROAD
PO BOX 4011
FRAZER PA 19355

MAILED
AUG 15 2011
OFFICE OF PETITIONS

In re Application of	:	
Hamed et al.	:	
Application No. 11/880531	:	DECISION
Filing or 371(c) Date: 07/23/2007	:	ON PETITION
Attorney Docket Number: CP394	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 19, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 22, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is March 23, 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, and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper 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) 272-3232.

This application is being referred to Technology Center AU 1619 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted with the petition in accordance with 37 CFR 1.114.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

CC: PAULA DeGRANDIS
CIMA LABS, INC.
7325 ASPEN LANE
BROOKLYN PARK, MN 55428

UNITED STATES 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 KEVIN D. KASCHKE, LTD.
3105 KING ALFORD COURT
SAINT CHARLES, IL 60174

MAILED
APR 13 2011
OFFICE OF PETITIONS

In re Application of :
Phillip G. Spaniol, et al. :
Application No. 11/880,556 : ON PETITION
Filed: July 23, 2007 :
Attorney Docket No.: FT0001RC02 :

This is a decision on the petition, filed September 21, 2010, requesting withdrawal of the holding of abandonment in the above-identified application under the provisions of 37 CFR 1.181 (no fee).

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the non-final Office action mailed February 1, 2010, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on September 1, 2010. In response, on September 21, 2010, the present petition was filed, wherein petitioner asserts that a reply was timely filed.
Petitioner explains that the 23- page response and amended claims were improperly scanned as a continuation of the cited foreign reference, rather than a separate document for the examiner to consider. Petitioner submits a "true" copy of the previously mailed response and a copy of the return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on May 7, 2010 of, *inter alia,* "Amendment & Response (23 pgs.)".

A review of the Official file record for this application confirms that the 23-page response is present in the file and begins at page 12 of the document coded FOR on May 7, 2010. It is further noted that a May 7, 2010 transmittal letter found in the file record references the filing of an "Amendment/Reply (23 pgs)" and includes a certificate of mailing under 37 CFR 1.8 dated May 3, 2010[1]. Accordingly, no abandonment existed on May 7, 2010, the date upon which a bonna fide attempt at a reply to the Office action of February 1, 2010 was filed.

In view of the above, the Notice of Abandonment mailed September 1, 2010 is hereby vacated.

This application is being referred to Technology Center AU 3671 for withdrawing the holding of abandonment and for appropriate action by the examiner in the normal course of business on the copy of the reply received September 21, 2010.

[1] Since May 1, 2010 was a Saturday, petitioner had until the next succeeding business to respond.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THOMAS N. PACKARD
4811 MCDONALD ROAD
SYRACUSE, NY 13215

MAILED
MAY 02 2011
OFFICE OF PETITIONS

In re Application of
Thomas N. Packard
Application No. 11/880,612
Filed: July 24, 2007
Attorney Docket No. Packburn 2007-1

ON PETITION

This is a decision on the petition filed March 14, 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 12, 2010, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on February 13, 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 $5 balance for 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
www.uspto.gov

MAILED

MAY 09 2011

OFFICE OF PETITIONS

THOMAS N. PACKARD
4811 MCDONALD ROAD
SYRACUSE NY 13215

In re Application of
Thomas N. Packard
Application No. 11/880,612
Filed: July 24, 2007
Attorney Docket No. PACKBURN 2007-1

DECISION ON REQUEST FOR REFUND

This is a decision on the Request For Refund filed April 13, 2011.

The request is **DISMISSED**.

The application was filed on July 24, 2007.

The above application became abandoned because of the insufficient fee of $1050.00 submitted on February 9, 2011, instead of the required fee of $1,055.00 ($755.00 issue fee and $300.00 publication fee) a balance of $5.00 became due.

A Petition for Revival of Application for Patent abandoned unintentionally under the provisions of 37 CFR 1.137(b) and the required fees was received in the USPTO on March 14, 2011.

Applicant now files the above request for refund in the amount of $540.00, and states that "The application in question is 11/880,612 which I drafted myself and filed on 7/24/2007. I paid the issuance fee on 2/7/2011 a week before it was due. Unfortunately the fee was $1055 and I submitted only $1050. On 2/25/2011 the USPTO sent out a notice of abandonment. I spoke with the patent examiner and representatives from your Inventor Assistance and Application Assistance Centers, including Messrs. Murphy and Bottorff. If I wanted the patent to issue I had no choice but to pay $815 to revive the patent using form SB 64 "Petition for Revival of an Application for Patent Abandoned Unintentionally". I made that payment on 3/11/2011.

At the same time I became increasingly uncomfortable that this payment was excessive. Here are the facts:

- If I had paid little or none of the issuance fee before it was due instead of 99.5% of it there would have been a much better chance that the applicable form was SB61 "Petition for Revival of an Application for Patent Abandoned Unavoidably." That would have saved me $540.00. In essence by attempting to make good on payment I had been penalized.
- Paying $815 for what amounted to a $5 underpayment seemed unnecessarily punitive.

- I am one of your smallest entities. I have not taken a dime out of my business for years and had to pay the $815 out of my own pocket. For me that was a huge hit."

However, applicant is encouraged to note MPEP 607.02 which states:

> 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 states:

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

Furthermore, MPEP 711.03 (c) states that:

> [T]he petition fee is required for the filing (and not merely the grant) of a petition under 37 CFR 1.137. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition"). Therefore, the Office: (A) will not refund the petition fee required by 37 CFR 1.17(1) or 1.17(m), regardless of whether the petition under 37 CFR 1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.

In view of the above, the request for refund is dismissed as the fee was not paid "by mistake". The petition filed on March 14, 2011 was filed under the provisions of 37 CFR 1.137(b) and not under the provisions of 37 CFR 1.137(a). The petition was granted on May 2, 2011.

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

/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
www.uspto.gov

Paul S. Rooy
Registered Patent Attorney
2620 South Peninsula Drive
Daytona Beach FL 32118

MAILED
FEB 07 2011
OFFICE OF PETITIONS

In re Application of :
Robert S. Reed :
Application No. 11/880,640 : DECISION ON PETITION
Filed: July 24, 2007 :
Attorney Docket No. 0707UR :

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

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of May 25, 2010, which set a one (1) month or thirty (30) day shortened statutory period for reply. A reply was due on or before June 25, 2010.

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 June 25, 2010 of, *inter alia,* a reply to the restriction requirement. A copy of the previously submitted reply accompanies the petition.

The reply to the restriction requirement had the wrong serial number on the reply, 11/880,642 rather than the correct serial number of 11/880,640, however all other identifiers were for the instant application. The file record shows that the reply filed June 25, 2010 was moved to the instant application.

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

This application is being referred to Technology Center AU 3749 for appropriate action in the normal course of business on the reply filed June 25, 2010.

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
www.uspto.gov

Zellestine C. Hicks
8656 Collins Dr.
Jonesboro GA 30236

MAILED

OCT 13 2011

OFFICE OF PETITIONS

In re Application of	:	
Zellestine C. Hicks	:	
Application No.: 11/880641	:	ON PETITION
Filing or 371(c) Date: 07/24/2007	:	
Title of Invention:	:	
DISPOSABLE SCENTED SANITARY BAG	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed September 19, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed January 8, 2009. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No complete and proper (timely) reply having been received, the application became abandoned on April 9, 2009.

Applicant files the present petition, and an Amendment in response to the Office action was filed on October 21, 2009. 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. Accordingly, the reply 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.

This application is being referred to Technology Center Art Unit 3728 for processing of the Amendment filed October 21, 2009 in response to the Office action 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

CC: Zellestine C. Hicks
476 DANHANDLE PLACE
HAMPTON, GA 30228

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 09-13-2010

TO SPE OF : ART UNIT 3633

SUBJECT : Request for Certificate of Correction for Appl. No: 11/880642Patent No 7765746

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (Co f C)
Randolph Square – 9D10-A
Palm Location 7580

Discrependency with claim and Examiner's amendment

EvaJames
Certificates of Correction Branch
703-756-1583

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

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

/Brian Glessner/ 3633
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

FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI OH 45202

MAILED

NOV 16 2010

OFFICE OF PETITIONS

In re Application of :
Asman. :
Application No. 11/880,647 :
Filed: July 23, 2007 :
For: Sort Gap Control :

DECISION ON PETITION

This is a decision on the petition filed under 37 CFR 1.137(b) in the above-identified application filed on September 20, 2010.

The petition is **GRANTED.**

This application became abandoned for failure to timely submit a reply to the non-final Office action mailed on March 23, 2009. The Notice set an extendable three-month reply period of June 23, 2009. Accordingly, this application became abandoned on June 24, 2009. A Notice of Abandonment was mailed on October 22, 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 $1620.00, and (3) a 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 3651 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
www.uspto.gov

MAILED
AUG 02 2011
OFFICE OF PETITIONS

FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI OH 45202

In re Application of	:	
Troy E. Asman	:	
Application No. 11/880,647	:	DECISION ON PETITION
Filed: July 23, 2007	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 0100352.0543585	:	

This is a decision on the petition, filed July 15, 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 23, 2008. 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 November 10, 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 3651 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
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/880,647	07/23/2007	Troy E. Asman	0100352.0543585

CONFIRMATION NO. 7212

26874
FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI, OH 45202

NONPUBLICATION RESCISSION LETTER

OC000000049066296

Date Mailed: 08/01/2011

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 11/10/2011.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1/23/2018

TO SPE OF : ART UNIT 3718 VO Peter Duong Peter (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/480715 Patent No.: 8029368

CofC mailroom date: _____

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: _____

Certificates of Correction Branch

571-272-8680 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

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

Comments: _____

PETER VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700
SPE

3718
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

BARBIE JO SACK
12500 W. CEDAR DR.
LAKEWOOD CO 80228

MAILED
JAN 18 2011
OFFICE OF PETITIONS

In re Application of	:	
Barbie Jo Sack	:	
Application No. 11/880,802	:	DECISION ON PETITION
Filed: July 24, 2007	:	
Title: Sandal Charm Chain	:	

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 pay the issue and publication fees on or before October 13, 2010, as required by the Notice of Allowance and Fee(s) Due mailed July 13, 2010. Accordingly, the date of abandonment of this application is October 14, 2010. A Notice of Abandonment was mailed October 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 payment of the issue fee of $755.00 and the publication fee of $300.00, (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to 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

Gregory P. Gadson, Esq.
19375 Amber Way
Noblesville IN 46060

MAILED
AUG 17 2011
OFFICE OF PETITIONS

In re Application of :
BUCHS et al. :
Application No. 11/880,823 : ON PETITION
Filed: 07/24/2007 :
Attorney Docket No. Hiconversion 2007-2 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 19, 2011, to revive the above-identified application.

The above-identified application became abandoned for failure to file a timely response to the Notice of Non-Compliant Amendment, mailed July 26, 2010, which set an extendable period of one month, or thirty days, whichever was longer, to reply. No extensions of the time period were obtained. Accordingly, the above-identified application became abandoned on August 27, 2010. On March 14, 2011, the Office mailed a Notice of Abandonment.

The present 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) an acceptable statement of unintentional delay.

This application is being referred to Technology Center AU 2129 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

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.
11/880,886	07/24/2007	Alan Angelo DiSpirito	900.231US1	7883

7590 03/18/2011
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER
KOSAR, ANDREW D

ART UNIT	PAPER NUMBER
1654	

NOTIFICATION DATE	DELIVERY MODE
03/18/2011	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

March 18, 2011

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of	:	
Alan Angelo Dispirito et al.	:	**DECISION ON PETITION**
Application No. 11880886	:	
Filed: 7/24/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 900.231US1	:	***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) July 24, 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
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
APR 28 2011
OFFICE OF PETITIONS

In re Application of
John Geoffrey Chan, et al.
Application No. 11/880,907
Filed: July 25, 2007
Attorney Docket No.: 9215C

:
:: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3) AND
: UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition, filed March 15, 2011, which is being treated as a petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204. 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 3727 for consideration by the examiner of the claim under 35 U.S.C. § §120 and 119(e) of the prior-filed nonprovisional and provisional applications.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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
11/880,907	07/25/2007	3727	1300	9215C	26	3

CONFIRMATION NO. 8643

CORRECTED FILING RECEIPT

27752
THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

OC000000047397132

Date Mailed: 04/28/2011

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)

John Geoffrey Chan, Maineville, OH;
Douglas A. Gall, Strongsville, OH;

Power of Attorney: The patent practitioners associated with Customer Number 27752

Domestic Priority data as claimed by applicant

This application is a CON of 10/825,792 04/16/2004 ABN
which claims benefit of 60/464,787 04/23/2003

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: 08/10/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/880,907**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Electric toothbrushes

Preliminary Class

015

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/880,908	07/25/2007	Robert Woodrow Gerlach	10497	8677

27752 7590 08/09/2011
THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

EXAMINER
CONWAY, THOMAS A

ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
08/09/2011	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

August 8, 2011

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

In re Application of	:	
Robert Woodrow Gerlach et al.	:	**DECISION ON PETITION**
Application No. 11880908	:	
Filed: 07/25/2007	:	
Attorney Docket No. **10497**	:	

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) July 25, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

September 8, 2011

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

In re Application of	:	
Robert Woodrow Gerlach et al.	:	**DECISION ON PETITION**
Application No. 11880908	:	
Filed: 07/25/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **10497**	:	***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 2, 2011.

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

Patent No. : 7,963,049 B2
Ser. No. : 11/880,926
Inventor(s) : Messmer
Issued : Jun 21, 2011
Title : SNOWBOARD BOOT
Docket No. : 4200.P0145US
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

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

RALPH E. JOCKE
WALKER & JOCKE
231 SOUTH BROADWAY
MEDINA OH 44256

MAILED

OCT 25 2010

OFFICE OF PETITIONS

In re Application of
Rao et al.
Application No. 11/881,044
Filed: July 25, 2007
Attorney Docket No. D-1272 R11

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)
: AND 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), filed September 27, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed Application Data Sheet (ADS).

Petitioner contends that "Applicants respectfully submit that the original application papers filed on 7/25/2007 included a proper claim under 35 U.S.C. § 120."

However, petitioner did not include a relationship reference to the requested prior-filed nonprovisional application 11/881,044 as filed July 25, 2007 in an amendment to the first sentence of the specification following the title, or in the Application Data Sheet as provided by 37 CFR 1.78(a)(2)(i).

Further, petitioner contends that "There is *no* requirement in either 35 U.S.C. § 120 or 37 1.78 that a benefit claim under 35 U.S.C. § 120 state the *type* of continuing application." This is correct and as the originally filed Specification of July 25, 2007 states "This Application also claims benefit pursuant to 35 U.S.C. § 120 of U.S. Application Serial No. 11/370,536 filed March 8, 2006." as does the originally filed ADS. However, petitioner is now asking for a relationship to the nonprovisional application 11/370,536.

Therefore, since a proper claim for priority under 37 CFR §§ 1.78(a)(3) was not included in the first sentence of the specification nor in the ADS as originally filed on July 25, 2007, petitioner must currently petition for that request to be recognized. Applicant failed to identify the relationship between the instant application and the prior-filed nonprovisional application as originally filed. Accordingly, the Office properly processed the information given by applicant, as shown in its absence on the Original Filing Receipt.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

> (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
> (2) the surcharge set forth in § 1.17(t); and
> (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The petition is **GRANTED**.

The instant nonprovisional application was filed on July 25, 2007 and was pending at the time of filing of the instant petition. A proper reference to the prior-filed applications has been included in an ADS, as required by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii).

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)(2)(ii) and 1.78(a)(5)(ii). *See* 35 U.S.C. § 120 and § 119(e). Accordingly, having found that the instant petition satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) for acceptance of an unintentionally delayed claim for priority under 35 U.S.C. § 120 and § 119(e), the petition to accept an unintentionally delayed claim of benefit to the prior-filed applications is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-3206.

This matter is being referred to Technology Center Art Unit 1797 for appropriate action on the ADS submitted September 27, 2010, including consideration by the examiner of the claim under 35 U.S.C. § 120 and 37 CFR 1.78(a)(2) for the benefit of the prior-filed nonprovisional application, and for consideration 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 applications.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: **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
11/881,044	07/25/2007	2876	1550	D-1272 R11 +1R	21	3

CONFIRMATION NO. 8692

CORRECTED FILING RECEIPT

28995
RALPH E. JOCKE
Walker & Jocke
231 SOUTH BROADWAY
MEDINA, OH 44256

OC000000044185768

Date Mailed: 10/25/2010

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)

Aarthi Rao, Uniontown, OH;
Dale Chapman, Akron, OH;
Eric Toepke, Akron, OH;
Kristen Stewart, Uniontown, OH;
Keith Carpenter, Akron, OH;
Thomas A. VanKirk, Wooster, OH;
Jon E. Washington, Clinton, OH;
Brian Jones, Navarre, OH;
William D. Beskitt, Canton, OH;
Harry Thomas Graef, Bolivar, OH;
David A. Peters, Tallmadge, OH;
Damon J. Blackford, Akron, OH;
Dale H. Blackson, Canton, OH;
Songtao Ma, Wadsworth, OH;
Tim Crews, Alliance, OH;
Kenneth Turocy, Wadsworth, OH;
Douglas T. Dominick, North Canton, OH;
Jasen J. Smolk, Fairlawn, OH;
Brian E. Lucas, Cincinnati, OH;
Bradley Lightner, Canton, OH;

Assignment For Published Patent Application

Diebold Self-Service Systems, division of Diebold, Incorporated, North Canton, OH

Power of Attorney: The patent practitioners associated with Customer Number 28995

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/833,554 07/27/2006
and is a CIP of 11/370,536 03/08/2006 PAT 7,721,949
which claims benefit of 60/660,128 03/09/2005
and claims benefit of 60/659,994 03/09/2005
and claims benefit of 60/677,805 05/03/2005
and claims benefit of 60/677,804 05/03/2005
and claims benefit of 60/677,846 05/03/2005
and claims benefit of 60/677,767 05/03/2005
and claims benefit of 60/678,091 05/04/2005
and claims benefit of 60/677,891 05/04/2005
and claims benefit of 60/678,102 05/04/2005
and claims benefit of 60/678,094 05/04/2005
and claims benefit of 60/678,916 05/06/2005

Foreign Applications

If Required, Foreign Filing License Granted: 08/10/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/881,044**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

Check accepting and cash dispensing automated banking machine system and method

Preliminary Class

235

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

THE WEBOSTAD FIRM, A PROFESSIONAL CORPORATION
150 NORTH WIGET LANE
SUITE 200
WALNUT CREEK CA 94598

MAILED

AUG 2 0 2010

OFFICE OF PETITIONS

In re Application of	:	
Nemati et al.	:	
Application No. 11/881,049	:	DECISION ON PETITION
Filed: July 25, 2007	:	
Attorney Docket No. 2000.037.00/US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 7, 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 28, 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 29, 2009. A Notice of Abandonment was mailed December 23, 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 $810.00, and (3) an adequate statement of unintentional delay.

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

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

This application is being referred to Technology Center AU 2824 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

PAPER NO.:

DATE : 9/30/10

TO SPE OF : ART UNIT: 1797 Attn: JONES CHRISTOPHER P

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/881054 Patent No.: 7699906

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 OATH dated 02/13/2008 and Updated filing receipt 03/20/2008 for the Application number 10/238758 missing from the Specification submitted 07/25/2007.

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: OK TO CNB

DUANE SMITH
SUPERVISORY PATENT EXAMINER

SPE 1797 **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 WEBOSTAD FIRM, A PROFESSIONAL CORPORATION
150 NORTH WIGET LANE
SUITE 200
WALNUT CREEK CA 94598

MAILED

AUG 2 0 2010

OFFICE OF PETITIONS

In re Application of	:	
Nemati et al.	:	
Application No. 11/881,159	:	DECISION ON PETITION
Filed: July 25, 2007	:	
Attorney Docket No. 2000.038.00/US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 7, 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 28, 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 29, 2009. A Notice of Abandonment was mailed March 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 Amendment, (2) the petition fee of $810.00, and (3) an adequate statement of unintentional delay.

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

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

This application is being referred to Technology Center AU 2824 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
JAN 21 2011
OFFICE OF PETITIONS

In re Application of :
Weder :
Application No. 11/881,164 : DECISION
Filed: 26 July, 2007 : ON PETITION
Attorney Docket No.: 8404.368 :

This is a decision on the petition under 37 C.F.R. §1.78(a)(3), filed 22 June, 2010, to accept an unintentionall delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed application.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 C.F.R. §1.78(a)(3) and §1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. §1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 C.F.R. §1.78(a)(3) and §1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §120 and §119(e) and 37 C.F.R.§1.78(a)(2)(i) and §1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in 37 C.F.R. §1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(2)(ii) and §1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

On deposit on 26 July, 2007, the instant application did not include a claim of priority to: Non-Provisional Application No. 10/973,861 (filed 26 October, 2004); Non-Provisional Application No.10/970,979 (filed 22 October, 2004), which claimed priority to Provisional Application No. 60/572,149 (filed 18 May, 2004).

The petition complies with the requirements of the regulations at 37 C.F.R. §1.78(a)(3) as to reference, surcharge and statement.

Application No. 11/881,164

The petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §120 to the above-noted, prior-filed nonprovisional and provisional applications satisfies the conditions of 37 C.F.R. §1.78(a)(3).

The petition is **granted**.

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

Petitioner is reminded that the granting of this petition and the mailing of a corrected Filing Receipt should not be viewed as an indication that a determination has been made that this application is entitled to claim benefit of the prior-filed application. A determination that applicant is entitled to claim benefit of the prior-filed application will be made by the Examiner prior to the mailing of a certificate of correction.

This application is released to Technology Center 3651 for consideration of the amendment by the Examiner.

Any inquiries concerning this decision may be directed to John Gillon at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Chris Bottorff
Supervisory Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/881,164	07/26/2007	3632	1980	8404.368	37	3

CONFIRMATION NO. 9707

CORRECTED FILING RECEIPT

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

OC000000045602691

Date Mailed: 01/21/2011

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)

Donald E. Weder, Highland, IL;

Power of Attorney: The patent practitioners associated with Customer Number 30589

Domestic Priority data as claimed by applicant

This application is a DIV of 11/823,429 06/27/2007
which claims benefit of 60/816,745 06/27/2006
This application 11/881,164
is a CIP of 10/973,861 10/26/2004 PAT 7,426,813
which is a DIV of 10/970,979 10/22/2004 PAT 7,726,622
which claims benefit of 60/572,149 05/18/2004

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: 08/11/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/881,164**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Hollow wire and methods of use thereof

Preliminary Class

248

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

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

MAILED

JAN 21 2011

OFFICE OF PETITIONS

In re Application of	:	
Weder	:	
Application No. 11/881,164	:	DECISION
Filed: 26 July, 2007	:	ON PETITION
Attorney Docket No.: 8404.368	:	

This is a decision on the petition under 37 C.F.R. §1.78(a)(3), filed 22 June, 2010, to accept an unintentional delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed application.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 C.F.R. §1.78(a)(3) and §1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. §1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 C.F.R. §1.78(a)(3) and §1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §120 and §119(e) and 37 C.F.R.§1.78(a)(2)(i) and §1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in 37 C.F.R. §1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(2)(ii) and §1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

On deposit on 26 July, 2007, the instant application did not include a claim of priority to: Non-Provisional Application No. 10/973,861 (filed 26 October, 2004); Non-Provisional Application No.10/970,979 (filed 22 October, 2004), which claimed priority to Provisional Application No. 60/572,149 (filed 18 May, 2004).

The petition complies with the requirements of the regulations at 37 C.F.R. §1.78(a)(3) as to reference, surcharge and statement.

Application No. 11/881,164

The petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §120 to the above-noted, prior-filed nonprovisional and provisional applications satisfies the conditions of 37 C.F.R. §1.78(a)(3).

The petition is **granted**.

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

Petitioner is reminded that the granting of this petition and the mailing of a corrected Filing Receipt should not be viewed as an indication that a determination has been made that this application is entitled to claim benefit of the prior-filed application. A determination that applicant is entitled to claim benefit of the prior-filed application will be made by the Examiner prior to the mailing of a certificate of correction.

This application is released to Technology Center 3651 for consideration of the amendment by the Examiner.

Any inquiries concerning this decision may be directed to John Gillon at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Chris Bottorff
Supervisory Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/881,164	07/26/2007	3632	1980	8404.368	37	3

CONFIRMATION NO. 9707

CORRECTED FILING RECEIPT

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

OC000000045602691

Date Mailed: 01/24/2011

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)

Donald E. Weder, Highland, IL;

Power of Attorney: The patent practitioners associated with Customer Number 30589

Domestic Priority data as claimed by applicant

This application is a DIV of 11/823,429 06/27/2007
which claims benefit of 60/816,745 06/27/2006
This application 11/881,164
is a CIP of 10/973,861 10/26/2004 PAT 7,426,813
which is a DIV of 10/970,979 10/22/2004 PAT 7,726,622
which claims benefit of 60/572,149 05/18/2004

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: 08/11/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/881,164**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Hollow wire and methods of use thereof

Preliminary Class

248

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

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

MAILED
JAN 25 2011
OFFICE OF PETITIONS

In re Application of	:	
Weder	:	
Application No. 11/881,164	:	DECISION
Filed/Deposited: 27 July, 2007	:	
Attorney Docket No. 8404.368	:	

This is a decision on the petition filed on 11 January, 2011, to revive an application under 37 C.F.R. §1.137(b) as having been abandoned due to unintentional delay.

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 23 June, 2010, with reply due absent extension of time on or before 23 September, 2010.

The application went abandoned by operation of law after midnight 23 September, 2010.

The Office mailed a Notice of Abandonment on 4 January, 2011.

On 11 January, 2011, Petitioner 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 request for continued

examination (RCE) and fee and a submission under the provisions of 37 C.F.R. §1.114 in the form of an amendment, and made the statement of unintentional delay.

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

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[3]))

As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

---

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

[2] 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 Technology Center/AU 3632 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 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
www.uspto.gov

February 1, 2012

LUMEN PATENT FIRM
350 Cambridge Avenue
Suite 100
PALO ALTO CA 94306

In re Application of	:	
ANGUELOV, DRAGOMIR et, al	:	**DECISION ON PETITION**
Application No. 11/881,172	:	
Filed: 07/25/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. S06-193/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) July 25, 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
www.uspto.gov

FSP LLC
P.O. BOX 890
VANCOUVER, WA 98666

MAILED
JUL 05 2011
OFFICE OF PETITIONS

In re Application of Sartore :
Application No. 11/881,248 : Decision on Petition
Filing Date: July 25, 2007 :
Attorney Docket No. FSP0396 :

This is a decision on the petition filed June 3, 2011, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter titled "Renewed Petition under 37 CFR 1.181."

Background

The Office issued a Notice of Allowance and a Notice of Allowability on January 24, 2011.

The Notice of Allowance required the submission of a $1,510 issue fee and a $300 publication fee. The Notice of Allowance set a period for reply of three (3) months.

On March 3, 2011, the Office of Data Management informed the examiner that two of the allowed claims depended on cancelled claims.

The examiner issued an examiner's amendment with a Supplemental Notice of *Allowability* on March 14, 2011. The examiner's amendment modified the previously referenced two claims to depend on non-canceled claims.

The issue fee and publication fee were due on or before Monday, April 25, 2011. The fees were not paid on or before April 25, 2011. As a result, the application became abandoned on April 26, 2011.

The Office issued a Notice of Abandonment on May 11, 2011.

The instant petition was filed June 3, 2011. The petition includes the issue fee and the publication fee.

The petition states, with emphasis added,

> The Notice of Abandonment was mailed less than three (3) months after the *Notice of Allowance was mailed on 14 March 2011*. The Applicant was thus not provided with the statutory period of [three] months to pay the issue fee in response to the Notice of Allowance....
>
> A copy of the *Notice of Allowance mailed on 14 March 2011* ... [is] attached hereto.

Discussion

Petitioner asserts the Notice of Allowance was issued March 14, 2011. However, Office records clearly indicate the Notice of Allowance was issued January 24, 2011. Petitioner asserts a copy of the March 14, 2011 Notice of Allowance is attached to the petition. However, the petition does not include a copy of any Notice of Allowance.

The January 24, 2011 Notice of Allowance set a period for reply of three (3) months. Therefore, a reply was due on or before Monday, April 25, 2011. The record fails to establish the issue fee and publication fee were filed on or before April 25, 2011, and fails to indicate the Office withdrew the Notice of Allowance. Therefore, the application is abandoned and the holding of abandonment will not be withdrawn.

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply (already submitted), the required petition fee ($1,620 for a large 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. A copy of a PDF "fillable" petition under 37 CFR 1.137(b) form can be found at: http://www.uspto.gov/web/forms/sb0064.pdf.

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

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

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

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

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

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
SEP 21 2011
OFFICE OF PETITIONS

FSP LLC
P.O. BOX 890
VANCOUVER, WA 98666

In re Application of Sartore	:	
Application No. 11/881,248	:	Decision on Petition
Filing Date: July 25, 2007	:	
Attorney Docket No. FSP0396	:	

This is a decision on the petition under 37 CFR 1.137(b) filed July 26, 2011, which request revival of the above-identified application.

The petition is **granted**.

The Office issued a Notice of Allowance on January 24, 2011, which set a three-month period for reply. The Notice of Allowance required the submission of a $1,510 issue fee and a $300 publication fee. The fees were not paid on or before April 25, 2011. As a result, the application became abandoned on April 26, 2011. The Office issued a Notice of Abandonment on May 11, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(2) The petition fee, 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 37 CFR 1.137(b) was unintentional.

The petition satisfies the requirements of 37 CFR 1.137(b) in so far as petitioner has supplied (1) a reply in the form of payment of the issue fee and publication fee on June 3, 2011, (2) the required petition fee of $1,620, and (3) the required statement of unintentional delay. Therefore, the petition is granted and the application is 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
www.uspto.gov

BO-IN LIN
13445 MANDOLI DRIVE
LOS ALTOS HILLS, CA 94022

MAILED
FEB 03 2011
OFFICE OF PETITIONS

In re Application of
Fusao Ishii, et al.
Application No. 11/881,294
Filed: July 26, 2007
Attorney Docket No.: SQ0608

ON PETITION

This is a decision in response to the petition, filed November 16, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to an Office communication mailed December 22, 2009. A Notice of Abandonment was mailed on August 4, 2010. In response, on November 16, 2010, the present petition was filed.

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

The application is being referred to Technology Center AU 2873 for consideration by the Examiner in the normal course of business on the response filed November 16, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES 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 13 2010

OFFICE OF PETITIONS

Honeywell International Inc.
Patent Services Department
101 Columbia Road
Morristown NJ 07962

In re Application of	:	
Frank M. Haran	:	
Application No. 11/881,321	:	DECISION ON PETITION
Filed: July 26, 2007	:	
Attorney Docket No. H00121 40-0108	:	

This is a decision on the renewed 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 final Office action mailed, October 8, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 9, 2010. A Notice of Abandonment was mailed on April 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.

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 2878 for appropriate action by the Examiner in the normal course of business on the RCE received June 2, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Paul D. Greeley
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th Floor
Stamford, CT 06901-2682

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.
11/881,409	07/25/2007	Thomas Schnell	7811/6	1629

7590 11/30/2011
Charles C. Valauskas
Valauskas & Pine LLC
150 South Wacker Drive, Suite 620
Chicago, IL 60606

EXAMINER
NGUYEN, CHUONG P

ART UNIT	PAPER NUMBER
3665	

MAIL DATE	DELIVERY MODE
11/30/2011	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
www.uspto.gov

NOV 30 2011

Charles C. Valauskas
Valauskas & Pine LLC
150 North Wacker Drive
Suite 1825
Chicago, IL 60606

In re Application of	:	
Thomas Schnell et al.	:	DECISION ON PETITION
Application No. 11/881,409	:	FOR SUBMISSION OF COLOR
Filed: July 25, 2007	:	FORMAL DRAWINGS
Attorney Docket No.: 7811/6	:	UNDER 37 CFR 1.84
For: Synthetic vision system and methods	:	

This is in response to applicant's petition under 37 CFR 1.84 for submission of color formal drawings filed January 10, 2008, in response to Notice to File Missing Parts of Nonprovisional Application, stating that color drawings are necessary as the only practical medium by which to disclose the subject matter to be patented in the above-identified application.

The petition is **GRANTED**.

A review of the record reveals that color drawings are necessary to disclose the subject matter to be patented in the above-identified application.

Any question regarding this decision should be directed to Supervisory Patent Examiner John Q. Nguyen at 571-272-6952.

/John Q. Nguyen/
Supervisory Patent Examiner
Art Unit 3665

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DICKINSON WRIGHT PLLC
2600 WEST BIG BEAVER ROAD
SUITE 300
TROY MI 48084-3312

MAILED
NOV 14 2011
OFFICE OF PETITIONS

In re Application of	:	
Andrew Curran Dawson	:	
Application No. 11/881,429	:	DECISION GRANTING PETITION
Filed: July 27, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 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 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 regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3765 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Moss & Barnett P.A.
4800 Wells Fargo Center
90 South Seventh Street
Minneapolis MN 55402-4129

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of	:	
James F. Beck	:	DECISION ON PETITION
Application No. 11/881,490	:	TO WITHDRAW
Filed: July 27, 2007	:	FROM RECORD
Attorney Docket No. **47358.10**	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed November 4, 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 to 37 CFR 10.40.

The request was signed by David L. Biek on behalf of all attorneys of record who are associated with the above-identified application.

All attorneys/agents associated with the above-identified application have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the first named inventor James F. Beck at the address indicated below.

There is an outstanding Office action mailed July 7, 2010, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: James F. Beck
2241 Kallie Court
Stillwater, MN 55082

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/881,490	07/27/2007	James F. Beck	47358.10

CONFIRMATION NO. 1470

POWER OF ATTORNEY NOTICE

Moss & Barnett P.A.
4800 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-4129

OC000000044612551

Date Mailed: 11/22/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/04/2010.

- 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.

/jlburke/

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

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.
11/881,517	07/27/2007	Paul Brienen	BP1-3252-U	2290

20793 7590 02/09/2011
R. REAMS GOODLOE, JR.
R. REAMS GOODLOE, P.S.
24722 104TH. AVENUE S.E.
SUITE 102
KENT, WA 98030-5322

EXAMINER
FERENCE, JAMES M

ART UNIT	PAPER NUMBER
3635	

NOTIFICATION DATE	DELIVERY MODE
02/09/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

goodpatent@earthlink.net
goodpatentval@aol.com
rmgoodloe@aol.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

R. REAMS GOODLOE, JR.
R. REAMS GOODLOE, P.S.
24722 104TH. AVENUE S.E.
SUITE 102
KENT WA 98030-5322

Paper No. 12072002

In re Application of Paul Brienen Application Number 11/881,517 Filed: July 27, 2007 For: **COUPLING BEAM AND METHOD OF USE IN BUILDING CONSTRUCTION**	: : : : :	PETITION TO ACCEPT COLOR DRAWINGS OR PHOTOGRAPHS UNDER 37 CFR 1.84(a)(2) & (b)(2)

This is a decision on Applicant's Petitions under 37 CFR 1.84(a)(2) and (b)(2) filed on July 27, 2007 and to the acceptance of color photographs under

The Petition is **GRANTED.**

Such a petition may be granted if the following criteria are met: (A) the fee set forth in § 1.17(i); (B) three (3) sets of color drawings; and (C) the specification must contain the following language as the first paragraph in that portion of the specification relating to the brief description of the drawing:

> The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

If the language is not in the specification, a proposed amendment to insert the language must accompany the petition.

Applicant filed 3 sets of color photographs and a petition with the appropriate fee with the application. The specification includes reference to color drawings on page 1 and the required paragraph is at the beginning of the Brief Description of the Drawings section of the specification (page 4). Applicant filed a renewed petition on November 11, 2010 requesting the original petition be decided after receipt of the notice of allowance.

The time period for payment of the issue fee continues to run.

The application has been returned to Issue Division for to await receipt of the issue fee.

Any questions regarding this decision should be directed to Eileen Lillis at 571-272-6928.

/Eileen Lillis/
Eileen Lillis
Supervisory Patent Examiner
Technology Center 3600

UNITED STATES 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
OCT 29 2010
OFFICE OF PETITIONS

TRIANGLE PATENTS, P.L.L.C.
P.O. BOX 28539
RALEIGH, NC 27611-8539

In re Application of	:	
Philip D. Buchanan	:	DECISION ON PETITION
Application No. 11/881,593	:	TO WITHDRAW
Filed: July 27, 2007	:	FROM RECORD
Attorney Docket No. 4007-002	:	

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 September 21, 2010.

The request is **NOT APPROVED**.

The Office no longer accepts address changes to a new practitioner or law firm filed with requests under 37 C.F.R. § 1.36(b). 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.*

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 August 10, 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
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE, SUITE 2000
PHILADELPHIA PA 19103-6996

MAILED

FEB 15 2011

OFFICE OF PETITIONS

In re Application of	:	
Ross, et al.	:	
Application No. 11/881,624	:	NOTICE
Filed: July 27, 2007	:	
Attorney Docket No. 047397-0002-00-US	:	
(401787	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Bib Data Sheet

CONFIRMATION NO. 1479

SERIAL NUMBER	FILING OR 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
11/881,624	07/27/2007 RULE	040	3611	047397-0002-00-US (401787

APPLICANTS

John Robert Ross, Hoffman Estates, IL;
Jeffrey T. Stanlaw, Perkasie, PA;
John Robert Muessig, Ringoes, NJ;

**** CONTINUING DATA ****************************

**** FOREIGN APPLICATIONS ***********************

IF REQUIRED, FOREIGN FILING LICENSE GRANTED
** 08/14/2007

		STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
Foreign Priority claimed 35 USC 119 (a-d) conditions met Verified and Acknowledged	☐ yes ☐ no ☐ yes ☐ no ☐ Met after Allowance Examiner's Signature Initials	IL	17	29	5

ADDRESS
23973

TITLE

METHOD FOR MANUFACTURING A POP-UP ARTICLE

FILING FEE RECEIVED		
1225	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAMES RAY & ASSOCIATES
2640 PITCAIRN ROAD
MONROEVILLE PA 15146

MAILED
MAY 23 2011
OFFICE OF PETITIONS

In re Application of	:	
Antonio C. Ros	:	
Application No. 11/881,697	:	DECISION ON PETITION
Filed: July 27, 2007	:	
Attorney Docket No. ACR 07133	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 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 non-final Office action mailed, March 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 June 16, 2010. The Notice of Abandonment was mailed 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 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 Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3727 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

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

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

MAILED
MAR 14 2011
OFFICE OF PETITIONS

In re Application of	:	
Edward K.Y. Jung et al.	:	
Application No. 11/881,728	:	DECISION ON PETITION
Filed: July 26, 2007	:	TO WITHDRAW
Attorney Docket No. QQ1-0213US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2011.

The request is **NOT APPROVED.**

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

Accordingly, the request to withdraw from record cannot be approved because there was no forwarding correspondence address. The forwarding address should be that of that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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.
11/881,739	07/27/2007	David L. Heald	40-006730US	2498

22798 7590 02/04/2011
QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P O BOX 458
ALAMEDA, CA 94501

EXAMINER
SULLIVAN, CALEEN O

ART UNIT	PAPER NUMBER
1722	

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
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AN
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFIC
WASHINGTON, D.C. 202
WWW.USPTO.GC

Mailed: 2/4/2011

CHK
Paper No.

In re Application of HEALD et al.
Serial No.: 11/881,739
Filed: July 27, 2007
For: Methods and Devices for Forming Nanostructure Monolayers and Devices Including Such Monolayers

DECISION ON PETITION UNDER *37 CFR 1.48(b)*

This is a decision on the PETITION TO CORRECT INVENTORSHIP IN A NON-PROVISIONAL PATENT APPLICATION filed January 18, 2011 under 37 CFR 1.48(b) by deleting the names of David L. Heald and Karen Chu Cruden.

It is noted that the applicant has met the requirements of 37 C.F.R. § 1.48(a) by (1) submitting a request to correct the inventorship that sets forth the desired inventorship change; and (2) providing the processing fee set forth in 1.17(i). Petitioner has met all of the necessary requirements.

The request is **GRANTED.**

/Cynthia H. Kelly/

Cynthia H. Kelly
Supervisory Patent Examiner
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

September 18, 2011

WHITEFORD, TAYLOR & PRESTON, LLP
ATTN: GREGORY M STONE
SEVEN SAINT PAUL STREET
BALTIMORE MD 21202-1626

In re Application of	:	
Antonio Trias Bonet et al.	:	**DECISION ON PETITION**
Application No. 11881810	:	
Filed: 07/27/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **100017/00001.4**	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) November 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 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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : March 26, 2012

In re Application of :

Alexander Dribinsky

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11881816

Filed : 26-Jul-2007

Attorney Docket No : PER-018-CIP

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 26, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

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

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

This application file is being referred to Technology Center AU 2815 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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	11881816
Filing Date	26-Jul-2007
First Named Inventor	Alexander Dribinsky
Art Unit	2815
Examiner Name	MICHAEL SHINGLETON
Attorney Docket Number	PER-018-CIP
Title	CIRCUIT AND METHOD FOR CONTROLLING CHARGE INJECTION IN RADIO FREQUENCY SWITCHES

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	/Martin J. Jaquez/
Name	Martin J. Jaquez
Registration Number	38060

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.
11/881,853	07/30/2007	Darrell L. Duda	1434-019DIV	2593

32905 7590 11/09/2010
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
ROBINSON, KEITH O NEAL

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
11/09/2010	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):

JondleOA@jondlelaw.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

NOV 0 9 2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:	:
Lawrence K. Pierce	:
Serial No.: 11/881,853	: PETITION DECISION
Filed: July 30, 2007	:
Attorney Docket No.: **1434-019DIV**	

This is in response to the petition under 37 CFR § 1.59(b), filed October 22, 2010, to expunge information from the above identified application. This application has not 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 October 22, 2010, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Marianne C. Seidel
Quality Assurance Specialist
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.
11/881,853	07/30/2007	Lawrence K. Pierce	1434-019DIV	2593

32905 7590 03/22/2011
JONDLE & ASSOCIATES, P.C.
858 HAPPY CANYON ROAD, SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
ROBINSON, KEITH O NEAL

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
03/22/2011	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):

JondleOA@jondlelaw.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

MAR 2 2 2011

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of: Lawrence Pierce Serial No.: 11/881,853 Filed: July 30, 2007 Attorney Docket No.: **1434-019DIV**	PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed February 21, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on October 22, 2010 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
www.uspto.gov

Paper No.

SHELDON MAK & ANDERSON PC
100 Corson Street
Third Floor
PASADENA CA 91103-3842

MAILED
FEB 22 2011
OFFICE OF PETITIONS

In re Application of	:	
Khatchikian	:	
Application No. 11/881,858	:	DECISION ON PETITION
Filed: July 30, 2007	:	PURSUANT TO
Attorney Docket No. 20543	:	37 C.F.R. § 1.137(a)
Title: PANELS AND A METHOD OF	:	
MAKING	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(a), filed on January 10, 2011, to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(a) is **DISMISSED.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed April 30, 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 July 31, 2010.

The Applicable Standard

The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard:

> In the specialized field of patent law, . . . the Commissioner of Patent and Trademarks is primarily responsible for the application and enforcement of the various narrow and technical statutory and regulatory provisions. The Commissioner's

> interpretation of those provisions is entitled to considerable deference.[1]
>
> [T]he Commissioner's discretion cannot remain wholly uncontrolled, if the facts **clearly** demonstrate that the applicant's delay in prosecuting the application was unavoidable, and that the Commissioner's adverse determination lacked **any** basis in reason or common sense.[2]
>
> The court's review of a Commissioner's decision is 'limited, however, to a determination of whether the agency finding was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.'[3]
>
> The scope of review under the arbitrary and capricious standard is narrow and a court is not to substitute its judgment for that of the agency.[4]

The burden of showing the cause of the delay is on the person seeking to revive the application.[5]

"[T]he question of whether an applicant's delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account."[6] 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

---

1 Rydeen v. Quigg, 748 F.Supp. 900, 904, 16 U.S.P.Q.2d (BNA) 1876 (D.D.C. 1990), aff'd without opinion (Rule 36), 937 F.2d 623 (Fed. Cir.1991) (citing Morganroth v. Quigg, 885 F.2d 843, 848, 12 U.S.P.Q.2d (BNA) 1125 (Fed. Cir. 1989); Ethicon, Inc. v. Quigg 849 F.2d 1422, 7 U.S.P.Q.2d (BNA 1152 (Fed. Cir. 1988) ("an agency's interpretation of a statute it administers is entitled to deference"); see also Chevron U.S.A. Inc. v. Natural Resources Defence Council, Inc., 467 U.S. 837, 844, 81 L. Ed. 694, 104 S. Ct. 2778 (1984) ("if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute.")

2 Commissariat A L'Energie Atomique et al. v. Watson, 274 F.2d 594, 597, 124 U.S.P.Q. (BNA) 126 (D.C. Cir. 1960) (emphasis added).

3 Haines v. Quigg, 673 F. Supp. 314, 316, 5 U.S.P.Q.2d (BNA) 1130 (N.D. Ind. 1987) (citing Camp v. Pitts, 411 U.S. 138, 93 S. Ct.1241, 1244 (1973) (citing 5 U.S.C. 706 (2)(A)); Beerly v. Dept. of Treasury, 768 F.2d 942, 945 (7th Cir. 1985); Smith v. Mossinghoff, 217 U.S. App. D.C. 27, 671 F.2d 533, 538 (D.C. Cir.1982)).

4 Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q2d (BNA) 1786 (Fed. Cir. 1995) (citing Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 77 L.Ed.2d 443, 103 S. Ct. 2856 (1983)).

5 Id.

6 See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

> 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 (D.C. Cir. 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).

As such, the general question asked by the Office is: "Did petitioner act as a reasonable and prudent person in relation to his most important business?"

In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account."[7]

A petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable."[8]

Docketing error

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.

Such a showing should identify the specific error[9], the individual who made the error, and the business routine in place for performing the action that resulted in the error. The showing must establish that the individual who erred 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. The showing should include 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.

---

7 Smith v. Mossinghoff, 671 F.2d at 538; 213 USPQ at 982.
8 Haines v. Quigg, 673 F. Supp. at 314, 316-17; 5 USPQ2d at 1131-32.
9 Petitioner must identify the error that caused the delay. If the specific error cannot be identified, the petitioner must identify any and all possible causes and prove that any of them, if they were the true cause, constitute unavoidable delay. A full and complete discussion for each possible error must be presented. Petitioner is reminded that a petitioner has the burden of proof.

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) a business routine was in place for performing the clerical function that could reasonably be relied upon to avoid errors in its performance, and;
(3) 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 M.P.E.P. § 711.03(c)(III)(C)(2).

An adequate showing should include (when relevant):

(1) statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them;
(2) a thorough explanation of the docketing and call-up system in use;
(3) identification of the type of records kept;
(4) identification of the persons responsible for the maintenance of the system;
(5) copies of mail ledger, docket sheets, filewrappers and such other records as may exist which would substantiate an error in docketing;
(6) include an indication as to why the system failed in this instance, and;
(7) 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.

Analysis

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

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(l);

(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted an amendment, the petition fee, and a statement of facts.

Petitioner has met requirements (1) and (2) of Rule 1.137(a). The fourth requirement is not applicable, as a terminal disclaimer is not required.[10]

Regarding the third requirement of Rule 1.137(a), the record does not support a finding that the entire period of delay was unavoidable. A discussion follows.

With this petition, Petitioner has asserted that this application was abandoned "due to a miscommunication between the attorney of record and docketing," and that the "secondary calendar" notified the attorney of record of the need to respond to the aforementioned non-final Office action. It appears that Petitioner runs two parallel docketing systems, and one of the two systems failed to provide notification of the due date. It is not clear who maintains the two systems, why one failed but the other did not, and why the secondary system did not result in the timely submission of the response to the aforementioned non-final Office action.

This description is insufficient to establish that the entire period of delay was unavoidable. On renewed petition, Petitioner will need to describe the circumstances surrounding the docketing error in greater detail. More specifically, Petitioner will need to:

1. establish that the error was the cause of the delay at issue;
2. establish that a business routine was in place for performing the clerical function that could reasonably be relied upon to avoid errors in its performance, and;
3. establish that the employee responsible for the error was sufficiently trained and experienced with regard to the function and routine for its performance that

10 See Rule 1.137(d).

reliance upon such employee represented the exercise of due care.

On renewed petition, Petitioner must:

1. include statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them;
2. provide a thorough explanation of the docketing and call-up system in use;
3. identify the type of records kept;
4. identify the persons responsible for the maintenance of the system;
5. provide copies of mail ledger, docket sheets, filewrappers and such other records as may exist which would substantiate an error in docketing;
6. include an indication as to why the system failed in this instance, and;
7. provide 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.

Conclusion

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

Any submission in response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[11] hand-delivery,[12] or facsimile.[13] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[14]

---

11 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
12 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
13 (571) 273-8300: please note this is a central facsimile number.
14 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.[15] All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED Paper No.
JUN 03 2011
OFFICE OF PETITIONS

SHELDON MAK & ANDERSON PC
100 Corson Street
Third Floor
PASADENA CA 91103-3842

In re Application of	:	
Khatchikian	:	
Application No. 11/881,858	:	DECISION ON PETITION
Filed: July 30, 2007	:	PURSUANT TO
Attorney Docket No. 20543	:	37 C.F.R. § 1.137(b)
Title: PANELS AND A METHOD OF	:	
MAKING	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed on March 22, 2011, to revive the above-identified application.

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

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed April 30, 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 July 31, 2010.

A petition pursuant to 37 C.F.R. § 1.137(a) was filed on January 10, 2011, along with, *inter alia*, an amendment. The petition was dismissed via the mailing of a decision on February 22, 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 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 January 10, 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

---

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).

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	11881858	Confirmation Number	2533	Filing Date	2007-07-30
Attorney Docket Number (optional)	20543	Art Unit	3635	Examiner	Andrew J Triggs
First Named Inventor	Khatchik Chris Khatchikian				
Title of Invention	Panels and a method of making				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Khatchik	Chris	Khatchikian	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

◉ (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Jeffrey G. Sheldon/	Date (YYYY-MM-DD)	2011-06-14
Name	Jeffrey G. Sheldon	Registration Number	27953

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
Khatchik Chris Khatchikian

Application No. 11881858

Filed: July 30,2007

Attorney Docket No. 20543

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 14-JUN-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), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

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.
11/881,880	07/30/2007	Yoshinori Kadowaki	1924.78738	2663

7590 09/14/2010
GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER
HO, VIRGINIA T

ART UNIT	PAPER NUMBER
2432	

MAIL DATE	DELIVERY MODE
09/14/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

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
www.uspto.gov

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

MAILED

AUG 27 2010

OFFICE OF PETITIONS

In re Application of
Chun-Ying Huang, et al.
Application No. 11/881,901
Filed: July 30, 2007
Attorney Docket No. 0624-072630

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed, August 4, 2010, to change the order of the named inventors in the above-identified application.

The petition is **DISMISSED**.

The issue fee in this application was paid on August 5, 2010. Effective May 29, 2000, the Office changed the practice by clarifying that an amendment under 37 CFR 1.312 (after allowance) must be filed prior to or with payment of the issue fee, and eliminated 37 CFR 1.312(b). Since a change to the order of the inventors' names is an amendment to the application, and amendments are not permitted after the payment of the issue fee, a petition under 37 CFR 1.182 to change the order of the inventors' names cannot be granted.

In order to now have the Letters Patent reflect the desired order of inventorship, petitioner must file a petition to withdraw from issue under 37 CFR 1.313(c)(2), a request for continued examination (RCE), and a renewed petition under 37 CFR 1.182 (which may act as the submission requirement in 37 CFR 1.114). Additionally, it is strongly recommended that a Supplemental Application Data Sheet with the desired order of inventorship be submitted with any petition to withdraw from issue under 37 CFR 1.313(c)(2). Note MPEP § 605.04(f). Once the patent issues, there is no basis for the USPTO to change the order of the named inventors. See Fina Technology v. Ewen, 60 USPQ2D 1314 (Fed. Cir. 2001) (the order of the named inventors is not a clerical error contemplated by § 255; it likewise cannot be corrected in a judicial proceeding under that provision).

If petitioner decides to withdraw this application from issue under 37 CFR 1.313(c)(2), petitioner is advised that the petition must be submitted and granted by the appropriate officials before the date of issue. Note 37 CFR 1.313(d).

A review of the record shows that the petition was filed by a practitioner who does not have power of attorney to act on behalf of the applicant/assignee. See MPEP 605.04(f). Further the petition cannot be granted because the supplemental Application Data Sheet is unsigned.

If petitioner wishes to file a Request for Reconsideration, petitioner must file a new supplemental Application Data Sheet with the appropriate signature.

In view of the above, the petition under § 1.182 to amend the order of inventors cannot be granted.

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

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

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

By 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 April M. Wise at (571) 272-1642.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 07/08/11

TO SPE OF : ART UNIT 1647

SUBJECT : Request for Certificate of Correction for Appl. No.: 11881911 Patent No.: 7932375

CofC mailroom date: 06/30/11

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
[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.

Comments: _____

JEFFREY STUCKER
SUPERVISORY PATENT EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COOK ALEX LTD
SUITE 2850
200 WEST ADAMS STREET
CHICAGO IL 60606

MAILED
NOV 09 2011
OFFICE OF PETITIONS

In re Application of :
Chengdong Zhang :
Application No. 11/881933 : ON PETITION
Filing or 371(c) Date: 07/30/2007 :
Attorney Docket Number: 2508-0001.01 :

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed October 25, 2011.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed January 25, 2011. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No complete and proper reply having been received, the application became abandoned on October 4, 2007. A Notice of Abandonment was mailed April 26, 2011.

The instant petition

Applicant files the instant petition, however, no petition fee has been filed.

A Grantable Petition Under 37 CFR 1.137(b)

A grantable petition pursuant to this paragraph must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);

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

The petition fee

As to item (2), Applicant is advised that before the merits of Applicant's petition may be considered, the petition fee must be submitted.

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

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

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

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

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

CC: EDWARD M. RONEY
4 BURNING OAK TRAIL
BARRINGTON HILLS, IL 60010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COOK ALEX LTD
SUITE 2850
200 WEST ADAMS STREET
CHICAGO IL 60606

MAILED
FEB 03 2012
OFFICE OF PETITIONS

In re Application of :
Chengdong Zhang :
Application No. 11/881933 : ON PETITION
Filing or 371(c) Date: 07/30/2007 :
Attorney Docket Number: 2508-0001.01 :

This is a decision on the renewed Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed January 18, 2012.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed January 25, 2011. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No complete and proper reply having been received, the application became abandoned on October 4, 2007. A Notice of Abandonment was mailed April 26, 2011.

The instant petition

Applicant filed a petition to revive the application on October 25, 2011; however, the petition failed to include the petition fee. The petition was dismissed in a Decision mailed November 9, 2011.

The present renewed petition

Applicant files the present renewed petition and included an authorization to charge the petition fee to a credit card; however, Office records reveal that the credit card was declined on January 18, 2012.

A Grantable Petition Under 37 CFR 1.137(b)

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

The petition fee

As to item (2), Applicant is advised that before the merits of Applicant's petition may be considered, the petition fee must be submitted.

The Power of Attorney and Change of Address have been entered.

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

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

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

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

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

/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
www.uspto.gov

COOK ALEX LTD
SUITE 2850
200 WEST ADAMS STREET
CHICAGO IL 60606

MAILED

FEB 24 2012

OFFICE OF PETITIONS

In re Application of	:	
Chengdong Zhang	:	
Application No. 11/881933	:	ON PETITION
Filing or 371(c) Date: 07/30/2007	:	
Attorney Docket Number: 2508-0001.01	:	

This is a decision on the renewed Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed February 15, 2012.

This Petition is hereby granted.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed January 25, 2011. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No complete and proper reply having been received, the application became abandoned on April 26, 2011. A Notice of Abandonment was mailed August 11, 2011.

Applicant files the present petition and the response, a continuation application, was filed November 17, 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 continuation application; (2) the petition fee; and (3) a proper statement of unintentional delay. Accordingly, the petition is granted.

This application is being revived for continuity purposes, and is again abandoned in favor of the continuing application, serial no. 13/299210, filed November 17, 2011.

Telephone inquiries concerning this petition 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
www.uspto.gov

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

MAILED

FEB 18 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
Ging-Chung Chen	:	
Application No. 11/882,077	:	
Filed: July 30, 2007	:	
Attorney Docket No. 5545/0449PUS1	:	

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.**

The application became abandoned for failure to file a timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed August 15, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. The application became abandoned on October 16, 2007. A Notice of Abandonment was mailed April 25, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the statutory basic filing fee, search fee, examination fee and surcharge of $65, (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.

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

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

A. Kelley

Alicia Kelley
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

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED

NOV 19 2010

OFFICE OF PETITIONS

In re Application of :
Chia-Hsiung Wu :
Application No. 11/882,078 : DECISION ON PETITION
Filed: July 30, 2007 :
Attorney Docket No. 5545/0227PUS1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 20, 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 Notice to File Missing Parts of Non-Provisional Application (Notice), mailed August 15, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on October 16, 2007. A Notice of Abandonment was mailed April 25, 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 examination fee of $110, a search fee of $270, a basic filing fee of $165, and a surcharge fee of $65 (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly the fees are accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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 regarding this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received October 20, 2010. Inquires regarding the status of the application should be directed to 571-272-4000.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Joe McKinney Muncy
P.O. Box 1364
Fairfax, VA 22038-1364

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

JAN 13 2011

OFFICE OF PETITIONS

In re Application of	:	
I-Chang Chang	:	
Application No. 11/882,080	:	DECISION ON PETITION
Filed: July 30, 2007	:	
Attorney Docket No. 5545/0497PUS1	:	

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 for failure to reply in a timely manner to the non-final Office action mailed, August 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 November 25, 2009. A Notice of Abandonment was mailed 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 $810.00, and (3) a proper statement of unintentional delay.

Further, 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.

Additionally, the address given on the petition differs from the new address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

This application is being referred to Technology Center AU 2858 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Joe McKinney Muncy
PO Box 1364
Fairfax, VA 22038-1364

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA, VA 22314-2848

MAILED
JUN 17 2011
OFFICE OF PETITIONS

In re Application of :
Takuzo Nakamura :
Application No. 11/882,174 :
Filed: July 31, 2007 :
Attorney Docket No. SHH-017 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 19, 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 21, 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 22, 2010.

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

This matter is being referred to Technology Center AU 3633 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
www.uspto.gov

MAILED

JAN 06 2011

PCT LEGAL ADMINISTRATION

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

In re Application of	:	
SHUE et al.	:	DECISION ON PETITIONS
Application No.: 11/882,219	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No.: 067345-5001	:	
For: 18-MEMBERED MACROCYCLES	:	
AND ANALOGS THEREOF	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed June 03, 2010 , 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 Commissioner may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1). The instant application was filed more than 12 months from the filing date of the provisional application. The benefit claim to Application No. 60/570,697 filed May 14, 2004 fails to comply with 35 U.S.C. § 119(e), as international application PCT/US2005/002887 does not contain the reference required by 37 CFR 1.78(a)(5) to Application No.60/570,697, i.e., the international application fails to specify that it claims priority to Application No. 60/570,697.

Also, the benefit claim to Application No. 60/570,697 filed May 14, 2004 fails to identify the intermediate application through which benefit to the provisional is being claimed. See MPEP §201.11 at page 200-65.

Additionally, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, (a) the international application must be corrected to add a claim to the prior-filed provisional application, and (b) a renewed petition under 37 CFR 1.78(a)(6) is required, and a proper amendment identifying the intermediate application through which benefit to the provisional is being claimed and deleting the incorporation by reference statement, is required.

The petition fee has been paid.

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

By mail: Mail Stop PCT
Attn: Office of PCT Legal Administration
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop PCT
Attn: Office of PCT Legal Administration
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By EFS: Selecting the document description "Petition for review and processing by the PCT Legal Office"

Any questions concerning this matter may be directed to Daniel Stemmer at (571) 272-3301.

/Boris Milef/

PCT Legal Examiner
Office of PCT Legal Administration

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04/01/11

TO SPE OF : ART UNIT 1623

SUBJECT : Request for Certificate of Correction for Appl. No.: 11882219 Patent No.: 7906489

CofC mailroom date: 03/25/11

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 (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.

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

Comments: The C of C has been approved.

/S. A. Jiang/ — **SPE**

1623 — **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.
11/882,255	07/31/2007	Hisao Haga	101213-00031	3098

4372 7590 09/09/2010
ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER
NGUYEN, TU MINH

ART UNIT	PAPER NUMBER
3748	

NOTIFICATION DATE	DELIVERY MODE
09/09/2010	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):

DCIPDocket@arentfox.com
IPMatters@arentfox.com
Patent_Mail@arentfox.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

ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

In re Application of:
HAGA, HISAO et al
Serial No.: 11/882,255
Filed: July 31, 2007
Docket: 101213-00031
Title: SULFUR PURGE CONTROL DEVICE FOR AN INTERNAL COMBUSTION ENGINE

DECISION ON PETITION TO WITHDRAW HOLDING OF FINALITY

This is a decision on the petition filed on July 9, 2010 to withdraw the finality of the Office Action of June 10, 2010. The petition is being considered pursuant to 37 CFR § 1.181 and no fee is required for the petition.

The petition is **DISMISSED**.

In the petition, the applicants requested withdrawal of the finality of the Office action dated June 10, 2010. Petitioner claims that the finality of the Office action is premature because the amendment of March 1, 2010 did not necessitate the new grounds of rejection. The substantive amendments to the claims filed on March 1, 2010 should have been expected. The prior art cited in the final rejection should have been found during the initial search.

The record shows that:

1. On December 31, 2009 the examiner mailed a non-final Office action. In the non-final Office action, claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagaoka et al. (U.S. Patent 7,191,590). Claims 14-19 are also rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
2. In response to the Office action mailed December 31, 2009, the applicant filed an amendment on March 1, 2010. Claims 1-3, 8-10 and 14-19 were substantively amended.
3. On June 10, 2010. the examiner issued a final Office action. In the final Office action, the examiner withdrew the rejection of claims 14-19 under 35 USC 101. Claims 1-4, 8-

10, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitahara et al. (U.S. Patent 5,577,382) in view of Sawada et al. (U.S. Patent 5,970,707). Claims 5-6, 11-12, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitahara et al. in view of Sawada et al. as applied to claims 2, 8, and 14, respectively, above, and further in view Schroder et al. (U.S. Patent 6,574,955). Claims 7, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitahara et al. in view of Sawada et al. as applied to claims 1, 8, and 14, respectively, above, and further in view Nagaoka et al. (U.S. Patent 7,191,590).

4. The present petition, filed on July 9, 2010 requests withdrawal of the finality of the Office action mailed on June10, 2010 as premature.
5. On August 4, 2010, the applicant filed a Rule 116 amendment which was entered for appeal purposes as indicated in the Advisory Action mailed on August 25, 2010. It is noted that the Rule 116 amendment filed on August 4, 2010 contains no amendment to the claims.

Discussion and Analysis

The relevant portion of MPEP § 706.07(a): Final Rejection, When Proper on Second Action, states:

> Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims 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).

Petitioner requests withdrawal of finality of the Office action mailed June 10, 2010. Petitioner asserts that a second action on the merits should not be made final because the added limitations in the claims are reasonably expected to be claimed. The first search of prior art should have covered the invention and its concept as described and claimed. Petitioner relies on MPEP § 706.07(a) to support his contention. This line of arguments is not convincing. The issue in the current petition is whether at least the amended independent claims 1, 8 and 14 changed the scope of original independent claims 1, 8 and 14. If so, the new ground of rejection in the final Office action was necessitated by applicant's amendment filed on March 1, 2010.

In order to determine whether or not the original independent claims 1, 8 and 14 and the amended independent claims 1, 8 and 14 are identical in scope, a comparison of the claims must be made. The amended claims 1, 8 and 14 are reproduced below with additions being underlined and deletion being bracketed or strikethrough, if any.

The amended claims 1, 8 and 14 filed on March 1, 2010 are reproduced below:

1. (Currently Amended) A control device for an internal combustion engine provided with a NOX catalytic converter in an exhaust passage thereof, comprising: a control unit that estimates an extent of sulfur deposition in the NOX catalytic converter and changes operating parameters of the engine so as to produce a reducing agent in exhaust gas and thereby purge a sulfur content in the NOX catalytic converter; and a first detector for detecting a value corresponding to an air fuel ratio in an upstream part

of the NOX catalytic converter; wherein the control unit determines an end of a sulfur purge process according to a difference between an output value of the first detector and a reference value.
8. (Currently Amended) A method for controlling a sulfur purge in an internal combustion engine provided with a NOX catalytic converter in an exhaust passage thereof, comprising: estimating an extent of sulfur deposition in the NOX catalytic converter; changing operating parameters of the engine from normal values so as to produce a reducing agent from exhaust gas in the exhaust passage and thereby carry out a sulfur purge in the NOX catalytic converter; detecting an upstream air fuel ratio value corresponding to an air fuel ratio in an upstream part of the NOX catalytic converter; and ending the sulfur purge when a cumulative value based on the value given by a mathematical function of a difference between the detected air fuel ratio value in an upstream part of the NOX catalytic converter and a reference value has reached a prescribed threshold value.

14. (Currently Amended) A computer program product having a computer- readable medium having computer-executable instructions for performing a method for controlling a sulfur purge in an internal combustion engine provided with a NOX catalytic converter in an exhaust passage thereof, the instructions comprising: estimating an extent of sulfur deposition in the NOX catalytic converter; changing operating parameters of the engine from normal values so as to produce a reducing agent from exhaust gas in the exhaust passage and thereby carry out a sulfur purge in the NOX catalytic converter; detecting an upstream air fuel ratio value corresponding to an air fuel ratio in an upstream part of the NOX catalytic converter; and ending the sulfur purge when a cumulative value based on the value given by a mathematical function of a difference between the detected air fuel ratio value in an upstream part of the NOX catalytic converter and a reference value has reached a prescribed threshold value.

For example, a comparison of the amended independent claim 1 (with underlining) and the original independent claim 1 (without underlining) reveals that amended independent claim 1 now defines that the control unit determines an end of a sulfur purge process according to a difference between an output value of the first detector and a reference value. Whereas original claim 1 contains no such limitations. Original claim 1 only requires the control unit determines an end of a sulfur purge process according to an output value of the first detector. The newly amended independent claim 1 indeed changes the scope of original independent claim 1 because the limitations added to original independent claim 1 clearly shows a different functions and operations of the control unit. In view of the newly added limitations in claim 1, the examiner needed to search and found Kitahara et al. (U.S. Patent 5,577,382) and Sawada et al. (U.S. Patent 5,970,707) to reject the amended independent claims 1, 8 and 14. In particular, Kitahara patent shows the control unit determines an end of a sulfur purge process based on a difference between an output (V) of a downstream air-fuel ratio value and a reference value (Vo). Sawada patent shows that the purge is ended when a cumulative value based on the value given by a mathematical function of a difference between the detected air-fuel ratio value in an upstream part of the NOx catalytic converter and a reference value has reached a prescribed threshold value. Therefore, the examiner needs the patents to Kitahara and Sawada to demonstrate why newly amended claims 1-19 remain unpatentable under 35 USC § 103. The prior art patent to Nagaoka et al. (U.S. Patent 7,191,590) apparently does not show such newly added features in the claims 1, 8 and 14. Therefore, the rejection of claims under 35 USC 102(e) issued in the first non-final Office action was withdrawn. These added limitations to claims 1, 8 and 14 in the amendment filed on March 1, 2010 indeed necessitated the new grounds of rejection in accordance with M.P.E.P. 706.07(a) mailed on June 10, 2010.

Petitioner argues that the amendment of March 1, 2010 should have been reasonably expected from the applicant. This line of arguments is not persuasive. As analyzed above, amended claims 1, 8 and 14 add substantial detail limitations to the control device for an internal combustion engine. In the final Office action of June 10, 2010, the newly applied prior art patents to Kitahara and Sawada are directly applicable to the amended claims 1, 8, and 14 under 35 U.S.C. 103(a). In the first Office action of December 31, 2009, the Nagaoka patent (U.S. Patent 7,191,590) was applicable toward original claims 1-19 under 35 USC § 102(e). This is clear evidence of the necessitation of new references in meeting the added claim limitations.

Petitioner also argues that the added limitations to claims 1, 8 and 14 should have been reasonably expected. This line of argument is speculative. In view of the added limitations in claims 1, 8 and 14 and the complexity of the art, there is no reasonable expectation that the examiner would anticipate the applicant to add such detailed limitations of the control device in an internal combustion engine. As also stated in MPEP § 706.07(a):

> **>However, note that an examiner cannot be expected to foresee whether or how an applicant will amend a claim to overcome a rejection except in very limited circumstances (e.g., where the examiner suggests how applicant can overcome a rejection under 35 U.S.C. 112, second paragraph)<.

Finally, petitioner argues that in searching for the claimed invention, the examiner should have reasonably searched and found these prior art references. Therefore, the failure to cite Kitahara and Sawada patents in the first Office action may be a mistake on the part of the examiner. This line of argument is also speculative. Petitioner provides no proof to support this allegation that the examiner should have reasonably searched and found these prior art references in his initial prior art search. Moreover, MPEP §706.02 states, "Merely cumulative rejections, i.e., those which would clearly fall if the primary rejection were not sustained, should be avoided. Based on such guidance, it is possible the examiner had seen the references and determined they were, at best, cumulative when the first Office action was prepared. Admittedly, this is speculative on the part of the undersigned, but certainly is a possibility why the references may not have been cited, let alone applied.

A review of the record shows that the examiner was in compliance with proper examining practice as set forth in MPEP 706.07(a). The finality of the Office action of June 10, 2010 is appropriate.

Conclusion

For the foregoing reasons, the relief requested by petitioner will not be granted. Specifically, the finality of the Office action dated June 10, 2010 is proper.

The application is being forwarded to the examiner via the SPE of Art Unit 3748 awaiting applicant's Notice of Appeal and Appeal Brief in response to the Advisory Action mailed on August 25, 2010. 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 Programs Examiner, at (571) 272-4856.

PETITION DISMISSED.

Angela D. Sykes, Director
Technology Center 3700

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.
11/882,328	07/31/2007	Chien Cheng Lin	LINC3272/REF	3057

7590 10/13/2010

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

EXAMINER
DAVIS, RUTH A

ART UNIT	PAPER NUMBER
1651	

MAIL DATE	DELIVERY MODE
10/13/2010	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

October 13, 2010

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

In re Application of	:	
Chien Chent Lin, et al	:	**DECISION ON PETITION**
Application No. 11882328	:	
Filed: 07/31/07	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **LINC3272/REF**	:	***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) July 31, 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.

Kimberly Terrell, Manager
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
www.uspto.gov

MORRISON & FOERSTER LLP
1650 TYSON BOULEVARD
SUITE 400
MCLEAN, VA 22102

MAILED
APR 18 2011
OFFICE OF PETITIONS

In re Application of	:	
Yossi Corem et al	:	
Application No. 11/882,459	:	DECISION ON PETITION
Filed: August 1, 2007	:	TO WITHDRAW
Attorney Docket No. 595242001100	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 18, 2011.

The request is **APPROVED**.

The request was signed by Alex Chartove on behalf of all the practitioners of record and the practitioners associated with Customer Number 25227.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to assignee Xtellus Inc. at the below address.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Xtellus Inc.
Caswell Office
Towcester
Northamptonshire NN12 8EQ United Kingdom

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
11/882,459	08/01/2007	Yossi Corem	595242001100

CONFIRMATION NO. 3987

POWER OF ATTORNEY NOTICE

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

OC000000047115598

Date Mailed: 04/18/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/18/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

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

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
11/882,459	08/01/2007	Yossi Corem	595242001100

CONFIRMATION NO. 3987

POA ACCEPTANCE LETTER

Xtellus Inc.
Caswell Office
Towcester
Northamptonshire, NN12 8EQ
UNITED KINGDOM

OC000000047115668

Date Mailed: 04/18/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/18/2011.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford CT 06103

MAILED
FEB 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Johannes Oskar Rieger	:	
Application No. 11/882,484	:	DECISION ON PETITION
Filed: August 2, 2007	:	
Attorney Docket No. MR3397-15	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 18, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed August 16, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on October 17, 2007. A Notice of Abandonment was mailed April 28, 2008.

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

As to item (3) the statement of unintentional delay is presently not acceptable since the petition was not properly signed. The printed name of the person signing the petition was omitted. It is unclear to the Office if this person is of interest in this case. If the petition was signed by an attorney please provide the registration number.

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.

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 $1,175 extension of time fee submitted with the petition on November 18, 2009 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

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
11/882,484	08/02/2007	Johannes Oskar Rieger	MR3397-15

CONFIRMATION NO. 4805

23413
CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford, CT 06103

POA ACCEPTANCE LETTER

OC000000045834465

Date Mailed: 02/04/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/18/2009.

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.

/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

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

MAILED

APR 21 2011

OFFICE OF PETITIONS

Marshall, Gerstein & Borun LLP (TETHYS)
CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of	:	
Johannes Oskar Rieger	:	
Application No. 11/882,484	:	DECISION ON PETITION
Filed: August 2, 2007	:	
Attorney Docket No. MR3397-15	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 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 Notice to File Missing Parts of Non-Provisional Application (Notice), mailed August 16, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on October 17, 2007. A Notice of Abandonment was mailed April 28, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath and declaration with a surcharge fee of $65 and replacement drawings, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly the oath and declaration, replacement drawings and fee 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 Patent Application Processing for appropriate action in the normal course of business on the reply received November 18, 2009. Inquires regarding the status of the application should be directed to 571-272-4000.

/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

PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY
12TH FLOOR
NEW YORK NY 10036

MAILED
NOV 18 2011
OFFICE OF PETITIONS

In re Patent No. 7,670,590 :
Issued: March 2, 2010 :
Application No. 11/882,490 : ON PETITION
Filed: August 2, 2007 :
Attorney Docket No: P-6672-US1

This is a decision regarding your request under 37 CFR 1.28. for acceptance of a fee deficiency submission and loss of small entity status filed September 22, 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.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 $825(charged to deposit account no. 50-3355) under 37 CFR 1.28, is hereby accepted and the petition is **GRANTED**. Status as a small entity has also been removed.

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	11882523
Filing Date	02-Aug-2007
First Named Inventor	Nobuo Karaki
Art Unit	2629
Examiner Name	JENNIFER NGUYEN
Attorney Docket Number	124042.01
Title	ELECTRONIC DISPLAY SYSTEM, ELECTRONIC PAPER WRITING DEVICE, ELECTRONIC PAPER AND METHOD FOR MANUFACTURING THE SAME

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

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

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

Petition Fee

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

Reason for withdrawal from issue

○ One or more claims are unpatentable

◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)

○ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request,submission, and fee.

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

☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

○ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

○ A sole inventor

○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

○ A joint inventor; all of whom are signing this e-petition

○ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/James A Oliff/
Name	James A Oliff
Registration Number	27075

UNITED STATES 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 27,2011

In re Application of :

Nobuo Karaki

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11882523

Filed : 02-Aug-2007

Attorney Docket No : 124042.01

This is an electronic 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 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 2629 for processing of the request for continuing examination under 37 CFR 1.114 .

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.
11/882,549	08/02/2007	Benny Rousso	39977	5002

67801 7590 04/18/2011
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

EXAMINER
SHAY, DAVID M

ART UNIT	PAPER NUMBER
3769	

MAIL DATE	DELIVERY MODE
04/18/2011	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 DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
11882549	8/2/2007	ROUSSO ET AL.	39977

EXAMINER
david shay

ART UNIT	PAPER
3769	04152011

DATE MAILED:

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Applicant has requested and assignee has consented to a correction of inventorship under 37 C.F.R. 1.48(a). However, this request is insufficient, as the request was not accompanied by an oath or declaration listing the entire inventive entity and and signed by each actual inventor has not been submitted. Therefore the petition to change inventorship under 37 C.F.R. 1.48(a) is DENIED.

/david shay/
Primary Examiner, Art Unit 3769

UNITED STATES PATENT AND TRADEMARK OFFICE

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

McCarter & English, LLP / Sanofi-Aventis
265 Franklin Street
Boston MA 02110

MAILED

JUL 21 2011

OFFICE OF PETITIONS

In re Application of	:	
Biberovic et al.	:	
Application No. 11/882607	:	ON REQUEST FOR
Filing or 371(c) Date: 08/02/2007	:	RECONSIDERATION OF
Attorney Docket Number:	:	PATENT TERM ADJUSTMENT
119363-00101	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(B)," filed May 2, 2011. Applicant petitions for reconsideration of the patent term adjustment to a minimum of 147 days, not 274 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction (1) based upon an assertion that the Office erred in calculating a reduction of 29 days, and (2) based upon an assertion that the Office erred in calculating an adjustment of 155 days. The Request for Reconsideration of Patent Term Adjustment is properly treated under 37 CFR 1.705(b).

The Application for Patent Term Adjustment Including Request for Reconsideration of Patent Term Adjustment ("PTA") under 37 CFR 1.705(b), is **GRANTED**.

On March 31, 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 274 days.

On May 2, 2011, Applicant timely submitted the instant application for patent term adjustment[1]. Applicant requests that the Determination of Patent Term Adjustment be corrected from 274 days, as indicated on the Determination of PTA mailed May 2, 2011, to an adjustment of 147 days.

Applicant provides that the Office erred in calculating a reduction of 29 days. The Determination of Patent Term Adjustment under 35 U.S.C. 154(b) mailed February 3, 2011 indicates a patent term of 274 days. The instant request for reconsideration of patent term adjustment indicates that the Office may have erred in calculating a reduction of 29 days in connection with the filing of a reply to a final Office action on April 20, 2010. Applicant provides that the reply to the final Office action filed April 20, 2010, was non-compliant, and that a complete and proper reply to

[1] PALM records show that the Issue Fee payment was received in the Office on May 2, 2011.

the final Office action was filed on July 1, 2010, three months and 92 days after the mailing of the final Office action, mailed December 31, 2009.

Applicant provides further that the Office erred in calculating an adjustment of 155 days in connection with the mailing of the Notice of Allowance in response to the reply to the final Office action. The Office mailed a Notice of Allowance on January 31, 2011, four (4) months and 91 days after the Notice of Appeal was filed on July 1, 2010.

A review of Office records confirms that an Amendment in reply to a final Office action, mailed December 31, 2009, was filed on April 29, 2010. The Amendment, however, was non-compliant. Applicant was so informed in an Advisory Action, mailed June 29, 2010. Applicant thereafter filed the Notice of Appeal on July 1, 2010, and the entry of a period of reduction of 92 days is appropriate.

Further to this, Office records confirm that this Office mailed a Notice of Allowance on January 31, 2011, four (4) months and 91 days after the filing of the Notice of Appeal, and the period of adjustment is 91 days, not 155 days.

In view thereof, as of the time of allowance, the application is entitled to an overall patent term adjustment of one hundred forty-seven (147) days, subject to any terminal disclaimer.

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

The application is being forwarded to the Publications Division for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of Adjustment PAIR Calculations

Patent Term Adjustments

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

Application Number*: 11882607 Search | Explanation of PTA Calculation | Explanation of PTE Calculation

PTA Calculations for Application: 11882607

Application Filing Date	08/02/2007	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	422
A Delays	422	PTO Manual Adjustment	-127
B Delays	0	Applicant Delay (APPL)	148
C Delays	0	Total PTA (days)	147

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
97	07/18/2011		P028	Adjustment of PTA Calculation by PTO		127	0
88	01/31/2011	08/29/2010	MN/=.	Mail Notice of Allowance	155		59
87	01/28/2011		IREV	Issue Revision Completed			0
86	01/28/2011		DVER	Document Verification			0
85	01/18/2011		N/=.	Notice of Allowance Data Verification Completed			0
83	01/18/2011		EX.A	Examiner's Amendment Communication			0
82	01/18/2011		CNTA	Allowability Notice			0
84	01/12/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
79	12/06/2010		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
78	12/02/2010		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
77	11/19/2010		MCTAV	Mail Advisory Action (PTOL - 303)			0
76	11/19/2010		CTAV	Advisory Action (PTOL-303)			0
74	09/17/2010		FWDX	Date Forwarded to Examiner			0
73	09/15/2010		AP/A	Amendment/Argument after Notice of Appeal			0
72	09/15/2010		XT/G	Request for Extension of Time - Granted			0
71	08/11/2010		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
70	07/28/2010		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
69	07/01/2010		N/AP	Notice of Appeal Filed			0
68	07/01/2010		XT/G	Request for Extension of Time - Granted			0
67	06/29/2010		MCTAV	Mail Advisory Action (PTOL - 303)			0
66	06/28/2010		CTAV	Advisory Action (PTOL-303)			0
65	06/15/2010		PA..	Change in Power of Attorney (May Include Associate POA)			0
64	06/15/2010		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
63	06/14/2010		C.AD	Correspondence Address Change			0
62	06/08/2010		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
60	05/01/2010		FWDX	Date Forwarded to Examiner			0
59	04/29/2010	03/31/2010	A.NE	Amendment after Final Rejection		29	53
58	04/29/2010		XT/G	Request for Extension of Time - Granted			0
57	04/14/2010		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
56	04/08/2010		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
54	02/16/2010		LET.	Miscellaneous Incoming Letter			0
53	12/31/2009		MCTFR	Mail Final Rejection (PTOL - 326)			0
52	12/22/2009		CTFR	Final Rejection			0
48	10/11/2009		FWDX	Date Forwarded to Examiner			0
51	09/24/2009		IDSC	Information Disclosure Statement considered			0
47	09/24/2009		A...	Response after Non-Final Action			0
46	09/24/2009		AF/D	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received			0
43	09/24/2009		RCAP	Reference capture on IDS			0
42	09/24/2009		M844	Information Disclosure Statement (IDS) Filed			0
38	09/24/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
37	09/24/2009		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
36	09/17/2009		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
41	09/16/2009		LET.	Miscellaneous Incoming Letter			0
34	06/26/2009	10/02/2008	MCTNF	Mail Non-Final Rejection	267		0.5
33	06/22/2009		CTNF	Non-Final Rejection			0
27	04/06/2009		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
40	03/27/2009		RCAP	Reference capture on IDS			0
39	03/27/2009		M844	Information Disclosure Statement (IDS) Filed			0
29	03/27/2009		IDSC	Information Disclosure Statement considered			0
25	03/27/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
26	03/19/2009		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
22	12/11/2008		DOCK	Case Docketed to Examiner in GAU			0
18	09/09/2008		C.AD	Correspondence Address Change			0
28	08/11/2008		IDSC	Information Disclosure Statement considered			0
21	08/11/2008		RCAP	Reference capture on IDS			0
20	08/11/2008		M844	Information Disclosure Statement (IDS) Filed			0
17	08/11/2008		WIDS	Information Disclosure Statement (IDS) Filed			0
16	07/31/2008		PG-ISSUE	PG-Pub Issue Notification			0
19	07/11/2008		RU47	Rule 47 / 48 Correction of Inventorship Papers Filed			0
15	07/01/2008		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
12	04/25/2008		OIPE	Application Dispatched from OIPE			0
11	04/18/2008		PGPC	Sent to Classification Contractor			0
10	04/18/2008		FLRCPT.U	Filing Receipt - Updated			0
9	04/18/2008		COMP	Application Is Now Complete			0
13	03/19/2008		A.PE	Preliminary Amendment			0
8	03/19/2008	11/21/2007	FLFEE	Payment of additional filing fee/Preexam		119	5

6	03/19/2008	OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	0
5	08/21/2007	INCD	Notice Mailed--Application Incomplete--Filing Date Assigned	0
3	08/10/2007	L194	Cleared by OIPE CSR	0
2	08/09/2007	SCAN	IFW Scan & PACR Auto Security Review	0
14	08/02/2007	A.PE	Preliminary Amendment	0
7	08/02/2007	CLAIM	Claim Preliminary Amendment	0
1	08/02/2007	IEXX	Initial Exam Team nn	0
0.5	08/02/2007	EFILE	Filing date	0

Export to: Excel

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Holland & Knight LLP
2099 Pennsylvania Avenue
Suite 100
Washington, D.C. 20006

MAILED

JAN 07 2011

OFFICE OF PETITIONS

In re Application of :
Jae Hyo CHOI : DECISION GRANTING PETITION
Application No. 11/882,686 : UNDER 37 CFR 1.137(b)
Filed: 3 August 2007 :
Atty Docket No. 54621-005017 (065543-5202)

This is a decision on the petition under 37 CFR 1.137(b), filed 4 June 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 11 September 2009 ("outstanding Office action"), which set a shortened statutory period of reply of three (3) months. No reply was sent, and no extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application thus became abandoned on 12 December 2009, and the Notice of Abandonment mailed on 27 April 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 outstanding Office action, (2) a petition fee of $1620.00, and (3) a Statement of unintentional delay. The reply to the outstanding Office action is accepted as having been unintentionally delayed.

The file does not indicate a change of address has been properly submitted, although the address given on the petition differs from the address of record. 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 only to the address of record.

There is no indication that the person signing the instant Petition was given a power of attorney or authorization of agent to prosecute the Application. Further, it is not apparent whether the signer of the Petition 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 the delay. *See,* 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (10 October 1997), 1203 Off.

Gaz. Pat. Office 63, 103 (21 October 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.

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-6051), or, if unavailable, the undersigned at 571-272-7099.

The application file will be referred to Technology Center Art Unit 2883 for further action on the filed Response.

David Bucci
Petitions Examiner
Office of Petitions

cc: Mr. Robert J. Goodell
Morgan Lewis & Bockius
1111 Pennsylvania Avenue
Washington, D.C 20004

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
AUG 26 2011
OFFICE OF PETITIONS

In re Application of :
Alessandro SETTE et al. : ON PETITION
Application No. 11/882,719 :
Filed: August 3, 2007 :
Atty. Docket No.: 2060.0370002/EKS/PAC

This is a decision on the petition, filed February 22, 2011, to withdraw the holding of abandonment in the above-identified application. The petition is being considered under 37 CFR 1.181.

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the non-final Office action mailed June 15, 2010 (outstanding Office action), which set a shortened statutory period for reply of three (3) months. A Notice of Abandonment was mailed December 21, 2010.

Petitioner states that a reply was in fact timely field. To support this assertion, Petitioner has submitted a copy of the response filed December 22, 2010 that bears a certificate of mailing dated December 15, 2010. Office records indicate receipt of the reply having a Certificate of Mailing dated December 15, 200 along with the fee for a 3-month extension of time. Accordingly, it is concluded that the Response to the outstanding Office action was timely submitted.

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 Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

The application is being forwarded to Technology Center Art Unit 1644 for consideration of the Response filed December 22, 2010.

for Ramesh Krishnamurthy

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
www.uspto.gov

LEMAIRE PATENT LAW FIRM, P.L.L.C.
P.O. BOX 1818
BURNSVILLE, MN 55337

MAILED

APR 04 2011

NOTICE

OFFICE OF PETITIONS

In re Patent No. 7,915,624 :
Issue Date: March 29, 2011 :
Application No. 11/882,730 :
Filed: August 3, 2007 :
Attorney Docket No. 5069.001US1

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

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

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

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/882,733	08/03/2007	Jin Guk Jeong	1911.1112	4860

7590 11/01/2011
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
LI, RUIPING

ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
11/01/2011	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

November 1, 2011

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of	:	
Jeong, Jin Guk et.al	:	**DECISION ON PETITION**
Application No. 11/882,733	:	
Filed: 08/03/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 1911.1112	:	***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 10, 2007.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/882,915	08/07/2007	Hiroyuki Minemura	1021.47804X00	8126

7590 06/29/2011
ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

EXAMINER
HINDI, NABIL Z

ART UNIT	PAPER NUMBER
2627	

MAIL DATE	DELIVERY MODE
06/29/2011	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

June 29, 2011

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

In re Application of	:	
Hiroyuki Minemura et al.	:	**DECISION ON PETITION**
Application No. 11882915	:	
Filed: 8/7/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 1021.47804X00	:	***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 7, 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

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	11882924
Filing Date	07-Aug-2007
First Named Inventor	Yungu He
Art Unit	2614
Examiner Name	MARIA EL-ZOOBI
Attorney Docket Number	11005.0431-00000
Title	METHOD FOR HANDLING EMERGENCY SERVICE IN NETWORK COMMUNICATION

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	/Weiguo Chen/
Name	Weiguo Chen
Registration Number	61878

UNITED STATES 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 28,2011

In re Application of :

Yungu He

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11882924

Filed : 07-Aug-2007

Attorney Docket No : 11005.0431-00000

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 28,2011 , 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 2614 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

August 9, 2011

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

Re Application of	
DEUTSCH, MORDECHAI	: **DECISION ON PETITION**
Application: **11/883028**	: **ACCEPTANCE OF COLOR**
Filed: **07/25/2007**	: **DRAWINGS**
Attorney Docket No: **39790**	

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 7, 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

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.
11/883,039	07/25/2007	Robin Wilson	MATHYS 3.3-004	9250

530 7590 12/23/2010
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER
GOODLEY, JAMES E

ART UNIT	PAPER NUMBER
2817	

MAIL DATE	DELIVERY MODE
12/23/2010	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

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 South Avenue West
Westfield, NJ 07090

In re Application of Robin Wilson et al. Application No.: 11/883,039 Filed: July 25, 2007 For: **DEMODULATOR**	: : : : : :	**WITHDRAWAL FROM ISSUE** *37 CFR 1.313*

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CFR 1.313.

The application is being withdrawn from issue because of unpatentability of at least one claim.

The US Patent and Trademark Office records reveal that the issue fee has been paid. The applicant may request a refund, or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Fee(s) Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Fee(s) Due. If the application is abandoned, applicant may request either a refund or a credit to a deposit account.

Any question regarding this communication should be directed to Bob Pascal, Supervisory Patent Examiner, at (571) 272-1769.

The application is being returned to the examiner for taking appropriate action.

John Cabeca, Director
Technology Center 2800
Semiconductors, Electrical and Optical Systems and Components

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The notice of allowability mailed on 9/10/2010 is withdrawn in this action, upon further reading of the Smith reference. It was previously noted by the examiner that "neither Smith, Ozgue, nor any other reference of record discloses or fairly suggests wherein the discharger is operable to discharge the charge storer more slowly than the charger is operable to charge the charge storer." (6/1/2010 office action, page 5). However, Smith clearly discloses in line 65 of column 2 to line 7 of column 3 that the discharge current source 20 "discharges current from the holding capacitor at a much slower rate than the charging current [from source 18] sources current to the holding capacitor."

The examiner suggests the following amendment to both independent claims in order to place the application in condition for allowance, "a timer [or timer means claim 18] to couple the charger [or charging means claim 18] to the charge storer [or charge storing means of claim 18] if the comparator has not provided the first signal within a predetermined time period set in the timer [or timer means claim 18]."

Claim Objections

Claim 1 is objected to because of the following informalities:

Applicant uses the word "charge store," which appears to refer to the "charge storer." Applicant also uses the word "comparer," which appears to refer to the "comparator."

Applicant is asked to check the claims for similar misspellings.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 5-8, 12, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over ***Smith (US 4,992,674 – of record)*** in view of ***Ozgue (US 5,502,746 – of record)***.

Regarding **claims 1, 3, 5, 6, 8, 15, and 18**, Fig. 1 of Smith discloses a peak detector [10] comprising:

a peak detector input [Vin] coupled to receive an input signal and a peak detector output to supply a peak detector output signal [Vpeak];

a charge storer [Chold 22] coupled to the peak detector output so that the peak detector output signal is provided by a voltage across the charge store;

a comparator [12] having first [-] and second [+] comparator inputs and a comparator output, the first comparator input being coupled to the peak detector input to

receive the input signal and the second comparator input being coupled to the peak detector output to receive the peak detector output signal and the comparator being operable to provide a comparison signal representing a comparison between the voltage of the modulated signal and the peak detector output signal; and

a charging controller [14-20] operable to charge the charge storer so as to increase the output voltage when the comparator provides a first signal indicating that the voltage of the modulated signal is higher than the voltage of the peak detector output signal and to discharge the charge storer so as to decrease the output voltage when the comparator provides a second signal indicating that the voltage of the modulated signal is lower than the voltage of the peak detector output signal (see abstract, the capacitor is charged when the input signal is greater than the peak voltage output and discharged when the input signal is less than the peak voltage output).

Smith clearly discloses in line 65 of column 2 to line 7 of column 3 that the discharge current source 20 "discharges current from the holding capacitor at a much slower rate than the charging current [from source 18] sources current to the holding capacitor."

The charging controller comprises a charger [current source 18] operable to charge the charge store, a discharger [current source 20] operable to discharge the charge storer and a coupler [semiconductor transistor switches 14 and 16] controllable by the comparison signal so as to couple the charger to the charge storer to charge the charge storer when the comparer provides the first signal and to disconnect the charger

from the charge storer and to enable the discharger to discharge the charge storer so as to decrease the output voltage when the comparer provides the second signal.

The discharger is relatively weak and the charger is relative strong.

Smith does not specifically disclose that the peak detector is utilized in a demodulator/receiver to receive a modulated signal as the input signal.

However, Figs. 2 and 5 and lines 8-26 of column 1 of Ozgue disclose a peak detector [202] for use in a data communications receiver.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the peak detector of Smith in a communications receiver/demodulator, as such implementation would be an intended use of the peak detector for communications applications.

Regarding **claim 7**, the device of Smith in view of Ozgue fails to specifically disclose the discharger comprising a resistor and the charge comprising an FET.

However, it is well known in the art to utilize FETs in current sources and current sinks, for example by utilizing diode-connected FETs in current mirrors. Such FETs are connected as resistors.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute an FET current mirror and resistively connected current source and sink for the generic charge and discharger of Smith, as such is merely the substitution of one known element for another known element, both known to produce predictable results.

Regarding **claim 12**, the device of Smith in view of Ozgue fails to specifically disclose the communications receiver including a processor.

However, digital processors utilized in receiver circuits are notoriously well known in the art for processing baseband signals or controlling down-conversion of the received signal.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a processor with the circuit of Smith in view of Ozgue, for the purpose of having greater flexibility in processing baseband signals or controlling down-conversion of the received signal.

Regarding **claims 16 and 17**, the device of Smith in view of Ozgue fails to specifically disclose the communications receiver for use as a near-field or NFC communicator.

However, it is notoriously well known to use amplitude demodulators with peak detectors in RFID/tag circuits, which make use of near-field NFC communication.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the circuit of Smith in view of Ozgue in RFID/tag circuits, which make use of near-field NFC communication, as such implementation would be intended use.

Allowable Subject Matter

Applicant is advised that the Notice of Allowance mailed on 9/10/2010 is vacated. If the issue fee has already been paid, applicant may request a refund or request that

the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES E. GOODLEY whose telephone number is (571)272-8598. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Pascal can be reached on (571)272-1769. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James E Goodley/
Examiner, Art Unit 2817

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

MAILED
MAR 01 2011
OFFICE OF PETITIONS

In re Application of	:	
Ilchiro Mori	:	
Application No. 11/883,081	:	DECISION GRANTING PETITION
Filed: July 26, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 075192-0029	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 28, 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 27, 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 2858 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

ROPES & GRAY LLP
IPRM - FLOOR 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON MA 02199-3600

MAILED

OCT 12 2010

OFFICE OF PETITIONS

In re Application of	:	
BECKLIN, Robert R. et al.	:	
Application No. 11/883,092	:	DECISION ON PETITION
Filed: January 08, 2009	:	TO WITHDRAW
Attorney Docket No. **107788-0008-301**	:	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 02, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 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 does not include an acceptable current correspondence address for future communications from the Office.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **BALLARD SPAHR LLP**
SUITE 1000
999 PEACHTREE STREET
ATLANTA, GA 30309-3915

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROPES & GRAY LLP
IPRM - Floor 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON MA 02199-3600

MAILED

DEC 01 2010

OFFICE OF PETITIONS

In re Application of	:	
BECKLIN, Robert et al.	:	
Application No. 11/883,092	:	DECISION ON PETITION
Filed: January 08, 2009	:	TO WITHDRAW
Attorney Docket No. **107788-0008-301**	:	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 29 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.

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 for Withdrawal.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **PROLEXYS PHARMACEUTICALS INC.**
2150 WEST DAUNTLESS AVENUE
SALT LAKE CITY, UTAH 84116

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.
11/883,103	06/19/2008	David M. Livingston	20363-032 NATL	9518

30623 7590 03/05/2012
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

EXAMINER
DENT, ALANA HARRIS

ART UNIT	PAPER NUMBER
1643	

MAIL DATE	DELIVERY MODE
03/05/2012	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

MAR 0 2 2012

MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON, MA 02111

In re Application of	:	
David M. LIVINGSTON, et al.	:	NOTICE OF WITHDRAWAL
Serial No. 11/883103	:	FROM ISSUE
Filed: June 19, 2008	:	UNDER 37 CFR 1.313(b)

For: METHODS OF DETECTING OVARIAN CANCER

The above-identified application is withdrawn from issue after payment of the issue fee due to a mistake on the part of the Office. See 37 CFR 1.313(b).

The above-identified application is hereby withdrawn from issue.

The issue fee is refundable upon written request. If, however, the application is again found allowable, the issue fee can be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due upon written request. This request and any balance due must be received on or before the due date noted in the new Notice of Allowance in order to prevent abandonment of the application.

Telephone inquiries should be directed to Daniel Sullivan, Acting Director at (571) 272-0779.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

George C. Elliott

George C. Elliott, Director
Technology Center 1600

cc: Publications, Scanning

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LRK PATENT LAW FIRM
1952 GALLOWS RD
SUITE 200
VIENNA VA 22182

MAILED

SEP 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Jung et al.	:	
Application No. 11/883,129	:	DECISION ON PETITION
Filed: July 26, 2007	:	
Attorney Docket No. P10341US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 18, 2011, as required by the Notice of Allowance and Fee(s) Due mailed May 18, 2011. Accordingly, the date of abandonment of this application is August 19, 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 $755.00 and the publication fee of $300.00, (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to 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

MAILED

JUN 27 2011

OFFICE OF PETITIONS

LADAS & PARRY
5670 WILSHIRE BOULEVARD, SUITE 2100
LOS ANGELES CA 90036-5679

In re Application of :
Marian Chiara GIOSCIA et al. : ON PETITION
Application No. 11/883,199 :
Filed: March 19, 2008 :
Atty. Docket No.: B-6285PCT 624349-4

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 non-final Office action mailed September 8, 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 obtained. The application went abandoned December 9, 2010. A Notice of Abandonment was mailed March 10, 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 non-final Office action mailed September 8, 2010, (2) a petition fee of $810 (small entity), and (3) a statement of unintentional delay. The reply to the non-final Office action 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 3663 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

MAILED

JUN 27 2011

OFFICE OF PETITIONS

LADAS & PARRY
5670 WILSHIRE BOULEVARD, SUITE 2100
LOS ANGELES CA 90036-5679

In re Application of :
Marian Chiara GIOSCIA et al. : ON PETITION
Application No. 11/883,199 :
Filed: March 19, 2008 :
Atty. Docket No.: B-6285PCT 624349-4

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 non-final Office action mailed September 8, 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 obtained. The application went abandoned December 9, 2010. A Notice of Abandonment was mailed March 10, 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 non-final Office action mailed September 8, 2010, (2) a petition fee of $810 (small entity), and (3) a statement of unintentional delay. The reply to the non-final Office action 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 3663 for further action on the filed response.

Anthony Knight
Director
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.
11/883,247	05/15/2008	Bijan Pedram	3800024.00451 / 1119US	2846

77202 7590 01/25/2011
K&L Gates LLP
3580 Carmel Mountain Road
Suite 200
San Diego, CA 92130

EXAMINER
ROZOF, TIMOTHY R

ART UNIT	PAPER NUMBER
1625	

MAIL DATE	DELIVERY MODE
01/25/2011	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

JAN 2 5 2011

K&L Gates LLP
3580 Carmel Mountain Road
Suite 200
San Diego CA 92130

In re Application of:
Bedram et al.
Serial No.: 11/883,247
Filed: July 26, 2007
Attorney Docket No: **3800024.00451 / 1119US**

: PETITION DECISION

This is in response to the petition filed on January 7, 2011 under 3 7 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on October 29, 2007 and December 22, 2008 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statements were submitted in connection with the above-captioned application on October 29, 2007 and December 22, 2008. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statements filed on October 29, 2007 and December 22, 2008 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (October 29, 2007 "Transmittal Letter" of 3 pages, and December 22, 2008 "Transmittal Letter" of 4 pages). Consequently the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statements of October 29, 2007 and December 22, 2008.

DECISION

The 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
www.uspto.gov

McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

MAILED

AUG 15 2011

OFFICE OF PETITIONS

In re Application of	:	
Pedram et al.	:	
Application No. 11/883247	:	
Filing or 371(c) Date: 05/15/2008	:	DECISION
Attorney Docket Number:	:	ON PETITION
33310.01119.US02/1119US	:	

This is a decision on the "Petition to Correct Incorrectly Entered Date-In (37 CFR 1.10(d))," filed July 22, 2011, requesting, that an Election and Preliminary Amendment be accorded a filing date of April 8, 2011, rather than the presently accorded filing date of April 7, 2011.

The petition is granted.

Petitioner alleges that the Election and Preliminary Amendment were deposited in Express Mail service on April 8, 2011. Petitioner has filed the appropriate documentary and corroborating evidence demonstrating that April 8, 2011, was the date the correspondence was deposited Express Mail Post Office to Addressee.

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

This application file will be referred to Technology Center Art Unit 1625 for continued examination 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

UNITED STATES 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 08 2010

OFFICE OF PETITIONS

ROBERT D SHEDD PATENT OPERATIONS
THOMSON LICENSING LLC
PO BOX 5312
PRINCETON NJ 08543-5312

In re Application of	:	
Koegel, et al.	:	
Application No. 11/883,251	:	ON PETITION
Filed: July 27, 2007	:	
Attorney Docket No. PD05006	:	

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

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

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action, mailed July 29, 2009. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on October 30, 2009. The Office mailed a Notice of Abandonment on February 12, 2010.

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

The application is being forwarded to Group Art Unit 2838 for consideration of the Amendment, filed September 10, 2010.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
MAY 19 2011
OFFICE OF PETITIONS

In re Application of	:	
Hitoshi NAOE, et *al.*	:	
Application No. 11/883,254	:	DECISION GRANTING PETITION
Filed: July 26, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **1248-0943PUS1**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 16, 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 15, 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 2441 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

---

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120409

DATE : April 10, 2012

TO SPE OF : ART UNIT 2872 - SPE Thomas Pham

SUBJECT : Request for Certificate of Correction on Patent No.: 7,929,218

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

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

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

All changes applied since no new matter was introduced. However, changes to col. 4, line 61, col. 8, line 27, and col. 9, line 22 are errors on the part of the Applicant under the conditions specified in 35 U.S.C. 255, upon payment of the fee set forth in § 1.20(a).

SPE: /Thomas K. Pham/ **Art Unit** 2872

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120409

DATE : April 9, 2012

TO SPE OF : ART UNIT 2872 - SPE Thomas Pham

SUBJECT : Request for Certificate of Correction on Patent No.: 7,929,218 11/893 287

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

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

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

All changes applied since no new matter was introduced. However, changes to col. 4, line 61, col. 8, line 27, and col. 9, line 22 are errors on the part of the Applicant under the conditions specified in 35 U.S.C. 255, upon payment of the fee set forth in § 1.20(a).

SPE: /Thomas K. Pham/ **Art Unit** 2872

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/6/2011

TO SPE OF : ART UNIT 2858

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/883,336 Patent No.: 7982423 B2

CofC mailroom date: 12/2/2011

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: _____

Huyphan
SPE

2858
Art Unit

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	11883364
Filing Date	16-May-2008
First Named Inventor	Toshiaki Okuno
Art Unit	2874
Examiner Name	DANIEL PETKOVSEK
Attorney Docket Number	050212-0762
Title	LIGHT SOURCE 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	/Brian K. Seidleck/
Name	Brian K. Seidleck
Registration Number	51321

UNITED STATES 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 20,2011

In re Application of :

Toshiaki Okuno

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11883364

Filed : 16-May-2008

Attorney Docket No : 050212-0762

This is an electronic 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 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 2874 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

LADAS & PARRY LLP
1040 Avenue of the Americas
NEW YORK NY 10018-3738

MAILED
AUG 16 2011
OFFICE OF PETITIONS

In re Application of	:	
Raul Delgado Acarreta	:	
Application No. 11/883410	:	DECISION
Filing or 371(c) Date: 03/04/2008	:	ON PETITION
Title of Invention:	:	
CARTRIDGE COUNTER	:	

This is a decision on the petition, filed July 22, 2011. The petition is properly treated as a to withdraw the holding of abandonment under 37 CFR 1.181.

This Petition is hereby **granted**.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Panel Decision from Pre-Appeal Brief review, mailed February 7, 2011. The Panel Decision required Applicant to submit an appeal brief one (1) month from the mailing of the Panel decision, or the balance of the two (2) month time period running from the receipt of the Notice of Appeal. Extensions of time under 37 CFR 1.136 were available.

The present petition

Petitioner files the present petition and notes that extensions of time under 37 CFR 1.136 were available, and that an appeal brief was timely filed on 20 July 2011. In view of the foregoing, petitioner requests withdrawal of the holding of abandonment.

Office records

A review of the application file confirms that petitioner filed an appeal brief on July 20, 2011. The application file also confirms that petitioner included a request and fee for a five (5) month extension of time, and Office finance records confirm receipt of the five (5) month extension of time fee.

Conclusion

In view of the foregoing, the petition is granted. The holding of abandonment is withdrawn.

The application file is being referred to Technology Center Art Unit 3641 for processing of the appeal brief, filed July 20, 2011, and for further action consistent with this decision 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUN 17 2011

OFFICE OF PETITIONS

RECHES PATENTS
211 North Union St.
Suite 100
Alexandria VA 22314

In re Application of	:	
Dimitry BOGUSLAVSKY et al.	:	DECISION GRANTING PETITION
Application No. 11/883,478	:	UNDER 37 CFR 1.137(b)
Filed: August 1, 2007	:	
Atty. Docket No.: 41850	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 19, 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 September 13, 2010, which set a shortened statutory period of reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned on December 14, 2010, and a Notice of Abandonment was mailed April 1, 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 Notice of Appeal (and Appeal Fee), (2) a petition fee of $810, and (3) a statement of unintentional delay. The reply to the final Office action is accepted as having been unintentionally delayed.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization 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.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result

of a reasonable inquiry into the facts and circumstances of such delay. *See* 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

The application file will be referred to Technology Center Art Unit 2881 for consideration of the Appeal Brief filed may 16, 2011.

for Ramesh Krishnamurthy
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARSHALL & MELHORN, LLC
FOUR SEAGATE – EIGHTH FLOOR
TOLEDO OH 43604

MAILED
SEP 24 2010
OFFICE OF PETITIONS

In re Application of	:	
Johannes MENZEL	:	
Application No. 11/883,522	:	DECISION ON PETITION
Filed: August 1, 2007	:	
Attorney Docket No. 1-18151	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 29, 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 18, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed February 18, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 19, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1510 and publication fee of $300; (2) the petition fee of $1620; and (3) a proper 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 the Office of Data Management for processing into a patent.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
FEB 25 2011
OFFICE OF PETITIONS

In re Application of :
Hoshino et al. :
Application No. 11/883,549 : DECISION ON PETITION
Filed: October 18, 2007 :
Attorney Docket No. 4662-615 :

This is a decision on the petition, filed December 20, 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 AS MOOT** in light of the rescission of abandonment mailed by the technology Center on January 4, 2011.

This application is being referred to technology center 1652 for further processing in the normal course of business.

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

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

JAN 25 2011

OFFICE OF PETITIONS

In re Application of
Bastian Chevreux, et al.
Application No. 11/883,553
Filed: September 28, 2007
Attorney Docket No. 4662-616

DECISION ON PETITION

This is a decision on the petition, filed December 20, 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 May 26, 2010, which set a three (3) month shortened statutory period for reply. A reply was due on or before August 26, 2010.

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 November 26, 2010 of, *inter alia,* notice of appeal with a three (3) month extension of time. The original reply is now in the file.

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

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 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 1652 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
www.uspto.gov

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

MAILED
AUG 10 2011
OFFICE OF PETITIONS

In re Application of	:	
Murad M. Ismailov	:	
Application No. 11/883,628	:	DECISION ON PETITION
Filed: August 03, 2007	:	
Attorney Docket No. **19162.12**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 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 non-final Office action mailed, June 10, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 11, 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) an adequate statement of unintentional delay. Accordingly, the reply to the non-final Office action of June 10, 2009 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 3747 for appropriate action on the concurrently filed amendment.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
Ying Li

Application No. 11883652

Filed: September 17,2007

Attorney Docket No. 32894.001.00

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 28-DEC-2010 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), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FISH & RICHARDSON P.C. (DC)
PO BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED
JAN 17 2012
OFFICE OF PETITIONS

In re Patent No. 8,047,120
Issued: November 1, 2011
Application No. 11/883,682
Filed: August 3, 2007
Attorney Docket No. 23697-0019US1 / NF-3179

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

This is a decision on the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d) filed on January 3, 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 from 267 to 376 days.

The petition to correct the patent term adjustment is **DISMISSED**.

BACKGROUND

On November 1, 2011, the above-identified application matured into U.S. Patent No. 8,047,120, with a revised patent term adjustment of 267 days. On January 3, 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 376. 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 15, 2011, thereby closing examination of the application on that date. Thus, Patentee argues no continued examination took place during the 110 day period from July 15, 2011 (the mailing date of the Notice of Allowance) until November 1, 2011 (the date the patent was issued). As such, Patentee maintains that the "B delay" should include the 110 days and be increased from 36 to 146 days. Patentee concludes that the correct patent term adjustment is 376 days (the sum of 480 days of "A delay" and 146 days of "B delay" minus 249 days of Applicant delay).

RELEVANT STATUTE AND REGULATIONS

The statutory basis for calculation of "B delay" is 35 U.S.C. 154(b)(1)(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY, which provides that:

Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including —

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);
(ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or
(iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

The implementing regulation, 37 CFR 1.702(b) provides that:

Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including:
(1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);
(2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);
(3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;
(4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or
(5) Any delay in the processing of the application by the Office that was requested by the applicant.

OPINION

Patentee's arguments have been considered, but not found persuasive. The Office calculated the period of "B delay" pursuant to 35 U.S.C. 154(b)(1)(B)(i) and 37 CFR 1.702(b)(1) as 36 days based on the application having been filed under 35 U.S.C.

111(a) on August 3, 2007 and the patent not having issued as of the day after the three year date, August 3, 2010, and a request for continued examination under 132(b) having been filed on September 9, 2010. In other words, the 110-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]. So, with respect to calculating the "B delay" where applicant has filed a request for continued examination, the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

Further, counting the period of time excluded from the "B delay" for the filing of a request for continued examination under 35 U.S.C. 132(b), from the date on which the request for continued examination is filed to the date the patent is issued is proper. Patentee does not dispute that time consumed by continued examination of an application under 35 U.S.C. 132(b) is properly excluded and that the calculation of the excluded period begins on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the request for continued examination is not any time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is

---

[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.

filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56366, 56376 (Sept. 18, 2000) (response to comment 8). Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

Patentee's argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

First, "Subject to the limitations of paragraph (2)," means that the limitations of paragraph 2 apply to this paragraph's adjustment of patent term. That is, the day-to-day extension of patent term for pendency beyond the 3 year period is restricted as follows: 1) "B delay" cannot accrue for days of "A delay" that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

Second, "if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States," meaning that the condition must first occur that the issuance of an original patent (35 U.S.C. 153), not merely the issuance of a notice of allowance, is delayed due to the Office's failure to issue a patent (sign and record a patent grant in the name of the United States), not merely mail a notice of allowance, within 3 years after the actual filing date of the application in the United States. This provision gives the Office a three-year period to issue a patent (sign and record a patent grant in the name of the United States) after the application filing date before an adjustment will accrue for "B delay."

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the

applicant except as permitted by paragraph (3)(C), meaning that the three-year period does not include "any time consumed by" or "any delay in processing," as specified in clauses (i)-(iii). This language correlates to 35 U.S.C. 154(b)(1)(A) which likewise provides the basis for determining the period given the Office to take the specified actions before an adjustment will accrue for "A delay" (e.g., extended for 1 day after the day after the period specified in clauses (i)-(iv)).

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, 580 F.Supp.2d 138, 88 U.S.P.Q.2d 1538 (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

[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.

delay" does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

Fourth, "the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued" meaning that the consequence of this failure is that after "the end of that 3-year period" an additional 1 day of patent term will accrue for each day that the application is pending until the day the patent is issued.

The "time consumed by" or used in the course of the continued examination of the application requested by the applicant under section 132(b) does not end until issuance of the patent. 35 U.S.C. 132(b) was enacted under the same title, the "American Inventors Protection Act of 1999," as 35 U.S.C. 154(b). Section 4403 of the AIPA amended 35 U.S.C. § 132 to provide, at the request of the applicant, for continued examination of an application for a fee (request for continued examination or RCE practice), without requiring the applicant to file a continuing application under 37 CFR 1.53(b) or a continued prosecution application (CPA) under 37 CFR 1.53(d). Thus, clause (i) is different from clause (ii) in that clause (i) refers to an examination process whereas clause (ii) refers to time consumed by proceedings (interferences, secrecy orders and appeals) in an application.

By nature, the time used in the course of the examination process continues to issuance of the patent. The examination process involves examining the application to ascertain whether it appears that the applicant is entitled to a patent under the law. See 35 U.S.C. 131 ("[t]he Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor"). If on examination it appears that the applicant is entitled to a patent, the USPTO issues a notice of allowance. See 35 U.S.C. 151 ("[i]f it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant"). If on examination it appears that the applicant is not entitled to a patent, the USPTO issues a notice (an Office action) stating the applicable rejection, objection, or other requirement, with the reasons therefor. See 35 U.S.C. 132 ("[w]henever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application"). Neither the issuance of a notice of allowance nor the insurance of an Office action terminates the examination process. If after the issuance of an Office action under 35 U.S.C. 132 it subsequently appears that the applicant is entitled to a patent (e.g., in response to an argument or amendment by the applicant), the USPTO will issue a notice of allowance. Conversely, if after the issuance of a notice of allowance under 35 U.S.C. 151 it subsequently appears that the applicant is not

entitled to a patent (e.g., in response to information provided by the applicant or uncovered by the USPTO), the USPTO will withdraw the application from issuance and issue an Office action under 35 U.S.C. 132 stating the applicable rejection, objection, or other requirement, with the reasons therefor.

As held in Blacklight Power, the USPTO's responsibility to issue a patent containing only patentable claims does not end with the issuance of a notice of allowance under 35 U.S.C. 151. See BlackLight Power, Inc. v. Rogan, 295 F.3d 1269, 1273 (Fed. Cir. 2002). Rather, if there is any substantial, reasonable ground within the knowledge or cognizance of the Director as to why an application should not issue, it is the USPTO's duty to refuse to issue the patent even if a notice of allowance has previously been issued for the application. See In re Drawbaugh, 9 App. D.C. 219, 240 (D.C. Cir 1896).

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is pending before the USPTO (i.e., until a patent is granted or the application is abandoned). See 37 CFR 1.56(a) ("[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned"). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures[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

[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.

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 September 9, 2010, and the patent issued by virtue of that request on November 1, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on September 9, 2010 and ending on November 1, 2011 is not included in calculating Office delay.

CONCLUSION

In view thereof, it is concluded that the patent term adjustment of 267 days indicated on the patent is correct.

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 Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT and TRADEMARK OFFICE

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

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

MAILED
AUG 30 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
Yoshito SUZUKI	:	
Application No.: 11/883,721	:	DECISION ON
PCT No.: PCT/JP05/010842	:	
Int. Filing Date: 14 June 2005	:	PETITION
Priority Date: 16 February 2005	:	
Attorney's Docket No.: 1190-0674PUS1	:	UNDER 37 CFR 1.181
For: FREQUENCY DIFFERENCE... AND METHOD	:	

This decision is in response to the "LETTER and REQUEST TO CORRECT OFFICIAL RECORDS," filed on 07 January 2011 and 27 April 2011, respectively, which is being treated as a petition under 37 CFR 1.181 requesting that the 371(c)(1), (c)(2), and (c)(4) date of the above application be corrected to 03 August 2007 as the declaration was filed on such date.

BACKGROUND

On 14 June 2005, this international application was filed, claiming an earliest priority date of 16 February 2005. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 16 August 2007.

On 03 August 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), 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 27 December 2010, 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) indicating, inter alia, a translation of the application into English, and Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying he application by the international application number and international filing date. The notice also indicated that the items must be submitted within two months from the mailing 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 07 January 2011, applicants submitted the present petition, which is accompanied by copy of the stamped postcard, stating that a proper English translation of the International Application and a Declaration were submitted on 03 August 2007, and enclosed was a copy of the Declaration and Power of Attorney and English Translation of the International Application.

On 08 February 2011, 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 07 January 2011.

On 15 February 2011, the United States Designated/Elected Office (DO/EO/US) mailed another copy of the "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 07 January 2011.

DISCUSSION

Applicant's petition accompanied by, *inter alia*, a copy of the following documents, filed purportedly with the PTO as indicated in the stamped postcard:

(1) Oath or Declaration of the inventors
(2) English language translation of the International application (59 pages)
(3) Transmittal Letter
(4) IDS

The postcard lists the items submitted on August 03, 2007, and it indicates that, inter alia, a declaration and a English translated patent application were submitted to the U.S. Patent Office on such date.

MPEP 503 provides:

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

Applicant's postcard is accepted as *prima facie* that, inter alia, that the declaration and translated patent application were submitted to the USPTO on 03 August 2007.

In addition, a review of the file indicates that a properly executed declaration was filed on 03 August 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 03 August 2007, which is the date that applicants satisfied the requirement under 35 U.S.C. 371(c)(4). Accordingly, the date of receipt of 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) requirements is 03 August 2007, and a date of completion of all 35 USC 371 requirements is 03 August 2007.

DECISION

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

The Notification of Acceptances (Form PCT/DO/EO/903) mailed on 08 February 2011 and 15 February 2011 are **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 **03 August 2007.**

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

Paper No.

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

MAILED

SEP 12 2011

OFFICE OF PETITIONS

In re Application of	:	
Yoshito Suzuki	:	DECISION ON APPLICATION
Application No. 11/883,721	:	FOR
Filed: January 7, 2011	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 1190-0674PUS1	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(b)," filed May 25, 2011. Applicant requests that the patent term adjustment indicated on the initial determination of patent term adjustment be corrected from zero (0) days to nine hundred twenty-four (924) days.

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

The Office has updated the PALM screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is nine hundred twenty-four (924) days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On April 15, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 0 days. The instant 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 received on July 14, 2011.

fee. Applicant disputes the initial determination of patent term adjustment on the basis that it does not indicate any Patent Term Adjustment due to the USPTO's failure to issue a notification under 35 USC 132 or a Notice of Allowance under 35 USC 151 within 14 months, which delay was 924 days. Applicant's calculation of this delay is based on a filing date of August 3, 2007.

Applicant's argument is correct. By decision mailed August 30, 2011, the Office has corrected the 35 USC 371(c)(1), (c)(2) and (c)(4) date of this application to August 3, 2007. 37 CFR 1.702(a)(1) states that the term of an original patent shall be adjusted by the failure of the Office to mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application fulfilled the requirements of 35 U.S.C. 371 in an international application.

Moreover, August 3, 2007 is the date that this application fulfilled the requirements of 35 U.S.C. 371. On August 23, 2011, applicant provided a copy of their transmittal originally filed August 3, 2007. This transmittal showed that early commencement was requested. As such the national stage did not commence in this application on August 16, 2007 (thirty months after the priority date). Rather, commencement occurred on August 3, 2007 when the other requirements of 371 were met. The notice of allowance was mailed 14 months and 924 days later on April 15, 2011, resulting in 924 days of examination delay.

No other adjustments or reductions are at issue.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is 924 days.

Submission of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fee is required.

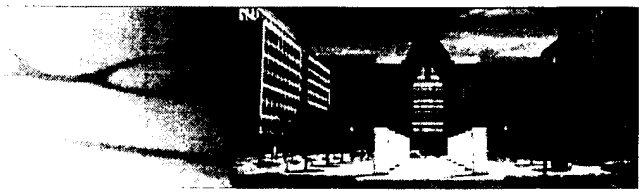
The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of PALM calculation

Patent Term Adjustments



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

Application Number*: 11883721 Search Explanation of PTA Calculation Explanation of PTE Calculation

PTA Calculations for Application: 11883721

Application Filing Date 01/07/2011	OverLapping Days Between (A and B) or (A and C) 0
Issue Date of Patent	Non-Overlapping USPTO Delays: 0
A Delays 0	PTO Manual Adjustment 924
B Delays 0	Applicant Delay (APPL) 0
C Delays 0	Total PTA (days) 924

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL		Parent Action Number
67	09/04/2011		P028	Adjustment of PTA Calculation by PTO	924		0	
66	09/04/2011		P028	Adjustment of PTA Calculation by PTO		911	0	
65	09/04/2011		P028	Adjustment of PTA Calculation by PTO	911		0	
36	04/15/2011		MN/=.	Mail Notice of Allowance			0	
35	04/12/2011		IREV	Issue Revision Completed			0	
34	04/12/2011		N/=.	Notice of Allowance Data Verification Completed			0	
33	04/12/2011		DOCK	Case Docketed to Examiner in GAU			0	
32	04/12/2011		DVER	Document Verification			0	
31	04/11/2011		EX.A	Examiner's Amendment Communication			0	
30	04/11/2011		CNTA	Allowability Notice			0	
29	04/07/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)			0	
25	03/15/2011		DOCK	Case Docketed to Examiner in GAU			0	
24	03/08/2011		DOCK	Case Docketed to Examiner in GAU			0	
22	03/01/2011		OIPE	Application Dispatched from OIPE			0	
21	02/15/2011		EML_NTR	Email Notification			0	
20	02/15/2011		EML_NTR	Email Notification			0	
18	02/15/2011		FLRCPT.O	Filing Receipt			0	
17	02/15/2011		M903	Notice of DO/EO Acceptance Mailed			0	
16	02/08/2011		EML_NTR	Email Notification			0	
15	02/08/2011		EML_NTR	Email Notification			0	
12	02/08/2011		FLRCPT.O	Filing Receipt			0	
11	02/08/2011		M903	Notice of DO/EO Acceptance Mailed			0	
13	02/07/2011		PGPC	Sent to Classification Contractor			0	
19	01/07/2011		371COMP	371 Completion Date			0	
10	01/07/2011		ADDFLFEE	Additional Application Filing Fees			0	
9	01/07/2011		SUBSPEC	Substitute Specification			0	
7	01/07/2011		OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic			0	
6	01/07/2011		TRNIA	Translation of the international application into English			0	
0.5	06/14/2005		NEFILE	International Filing date			0	

Export to: Excel

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

MAILED
DEC 07 2010
OFFICE OF PETITIONS

In re Application of
Ulf MEIJER, et al
Application No. 11/883,756
Filed: April 9, 2008
Docket No. 49051-0002 (408802)

DECISION ON PETITION

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, March 24, 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 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) and 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 $1175 extension of time fee submitted with the petition on October 27, 2010, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to Petitioner's Deposit Account No. 50-0573.

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

This application is being referred to Technology Center AU 3611 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

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

MAILED
FEB 28 2011
OFFICE OF PETITIONS

In re Application of	:	
JEON, et al	:	
Application No. 11/883,794	:	DECISION ON PETITION
Filed: April 15, 2008	:	
Attorney Docket No. 7950.056.00	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 5, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment mailed, June 28, 2010, which set a reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 29, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) an amendment, (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 2448 for appropriate action by the Examiner in the normal course of business on the reply received January 5, 2010.

/Diane C. Goodwyn/
Diane C. Goodwyn
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.
11/883,957	08/08/2007	Markus Gewehr	5000-0227PUS1	8522

2292 7590 01/31/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
SHAMEEM, GOLAM M

ART UNIT	PAPER NUMBER
1626	

NOTIFICATION DATE	DELIVERY MODE
01/31/2011	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):

mailroom@bskb.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

JAN 3 1 2011

Andrew D. Meikle
BIRCH STEWART KOLASCH & BIRCH
8110 Gatehouse Road, Suite 100 East
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:
Gewehr et al	:Decision on Petition
Serial No.: 11/883,957	:
Filed : 8 August 2007	:
Attorney Docket No.: 5000-0227PUS1	:

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 13 December 2010 requesting reconsideration of the lack of unity requirement mailed November 26, 2008.

BACKGROUND

This application was filed as a national stage of a PCT application and as such is entitled to PCT unity of invention rules.

On 3 November 2009, the examiner set forth a lack of unity requirement which divided claims 1-13 into five groups as follows:

> Group I, claims 1-7, drawn to a compound of formula I.
> Group II, claims 8-9, drawn to a composition for controlling fungi (which requires the compound of formula I)
> Group III, claim 10-11, drawn to a method of using the compound of formula I.

Group IV, claim 12, drawn to a seed comprising the compound of formula I.
Group V, Claim 13, drawn to a compound.

The examiner reasoned that unity was lacking in view of the structurally diverse and dissimilar compounds. The examiner made no showing that the shared or corresponding technical features lacked a contribution over the prior art.

On 3 December 2009, applicants elected Group I, with traverse.

On 24 February 2010, the examiner mailed to applicants a non-final Office action in which the traversal was considered and found partially persuasive. Group II, claims 8-9, were re-joined with elected Group I for examination. Otherwise, the lack of unity determination was maintained. The examiner did not make the lack of unity requirement final. Claims 1-9 were provisionally rejected under non-statutory double patenting. Claims 1-9 were also rejected under 35 U.S.C. 102a) and (e) and under 35 U.S.C. 103(a).

On 24 June 2010, applicants provided a response including amendments to the claims and remarks traversing the rejections.

On 13 September 2010, the examiner issued an Ex parte Quayle action, indicating that claims 1, 3, 5, 7-10 were allowable, and claims 12-13 withdrawn from consideration as being directed to a non-elected invention. In this action which closed prosecution, the examiner made the restriction requirement FINAL.

On 13 December 2010, applicant filed the petition currently under consideration.

DISCUSSION

The file history and petition have been considered carefully.

This national stage filing is entitled to PCT Unity of Invention practice with regard to any restriction or election of species requirement. However, the examination of a national stage filing must comport with US practice per 35 U.S.C. 372(a),

> All questions of substance and, within the scope of the requirements of the treaty and Regulations, procedure in an international application designating the United States shall be determined as in the case of national applications regularly filed in the Patent and Trademark Office.

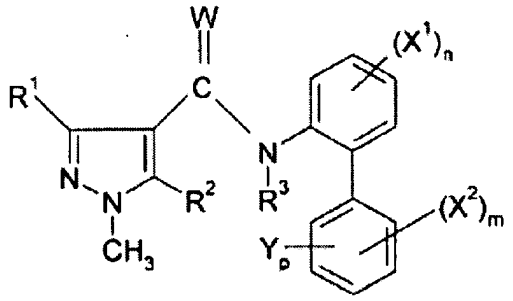
PCT Rules 13.2 states that:

> With respect to a group of inventions claimed in an international application, unity of invention exists only when there is a technical relationship among the claimed inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" is defined in Rule 13.2 as meaning those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art.

It is noted that the original lack of unity determination did not identify or address any shared or corresponding technical features.

The examiner has indicated that Claim 1 is in condition for allowance.

1. (Previously Presented) A pyrazolecarboxanilide of the formula I



(I)

in which the variables are as defined below:

n	is zero;
m	is 3;
X^2	is halogen, where the radicals X^2 may have different meanings;
p	is zero;
R^1	is C_1-C_4-haloalkyl;
R^2	is hydrogen or halogen;
R^3	is hydrogen; and
W	is O.

In this petition, applicants first request examination of Claim 12, which depends upon Claim 1.

12. (Withdrawn) Seed, comprising a compound of the formula I according to claim 1 in an amount of from 1 to 1000g/100kg.

This request is persuasive. Claims 1 and 12 both require the compound of formula I and are both limited to the same set of variables as recited in Claim 1. As such, Claims 1 and 12 are drafted in a format most similar to Example 13 of the International Search and Examination Guidelines, set forth below.

10.33 *Example 13*

Claim 1: Filament A for a lamp.

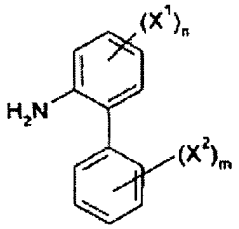
Claim 2: Lamp B having filament A.

Claim 3: Searchlight provided with lamp B having filament A and a swivel arrangement C.

The ISPE Guidelines go on to state that unity exists between Claims 1, 2 and 3. The special technical feature common to all claims is filament A. For this reason, claim 12 is considered to have unity of invention with Claim 1.

Second, Applicants request examination of Claim 13, set forth below.

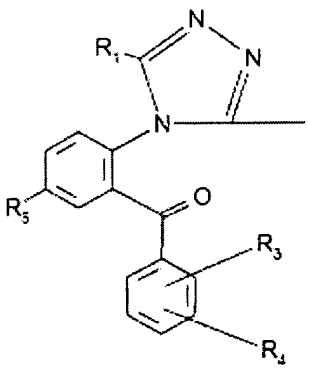
13. (Withdrawn) An aniline of the formula III



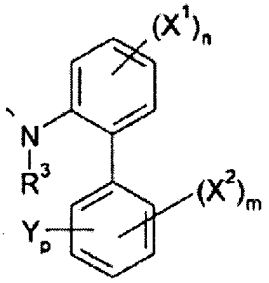
III,

wherein the variables n, m, X^1 and X^2 have the meanings given in claim 1.

This request is persuasive. Claim 13 is directed to an intermediate of the final product of allowable Claim 1. The ISPE Guidelines provides several examples upon unity of invention between intermediate and final products. Example 27 appears to be most similar to the claims of the instant application. In Example 27, both the intermediate and final product share the following structure, which is considered to be technically closely interrelated:



This is comparable to instant Claims 1 and 13, which share the following structure, wherein the variables have the same meanings:



For this reason, unity of invention is considered present between Claims 1 and 13.

DECISION

Accordingly, the petition filed under 37 CFR 1.144 on 13 December 2010 is **GRANTED** as follows:

> The lack of unity determination between the compound of formula I (elected Group I) and the seed comprising the compound of formula I (non-elected Group IV) has been withdrawn.
>
> The lack of unity determination between the compound of formula I (elected Group I) and the intermediate of formula I (non-elected Group V) has been withdrawn.

Because Claims 12 and 13 have yet to be considered on their merits, the finality of the Ex Parte Quayle action has been withdrawn as premature.

The application will be forwarded to the examiner to consider the papers filed on 13 December 2010 and to prepare an Office action consistent with this petition 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 703-272-8300.

Remy Yucel
Director, 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
www.uspto.gov

EITAN MEHULAL LAW GROUP
10 Abba Eban Blvd. PO Box 2081
Herzlia 46120 IL ISRAEL

MAILED

OCT 31 2011

OFFICE OF PETITIONS

In re Application of :
Ronen Jashek, et al. :
Application No. 11/884,033 :
Filed: July 23, 2008 :
Attorney Docket No.: P-9113-US :

ON PETITION

This is a decision on the petition, filed October 30, 2011, under 37 CFR 1.313(a) to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

37 CFR 1.313(a) states in part:

> "Applications may be withdrawn from issue for further action at the initiative of the Office or 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 reason why withdrawal of the application from issue is necessary.

While the petition includes the requisite petition fee, it does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary. It is noted that petitioner argues that the PTO erred in raising the issue of his claim for priority so close to the deadline to pay the issue fee. However, an appropriate avenue for relief is by way of a petition under 37 CFR 1.181 for review of the examiner's action in denying the claim for priority.

Further, 37 CFR 1.313(a) goes on to state:

> "A petition under this section is not required if a request for continued examination under 1.114 is filed prior to payment of the issue fee."

Therefore, the filing of a RCE under 37 CFR 1.114 with a submission and the fee set forth in 37 CFR 1.17(e) would have also been a proper available option to petitioner.

The application is being referred to the Technology Center 2112 to consider the present petition under the merits of 37 CFR 1.181.

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

/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

MAILED

NOV 15 2011

TECHNOLOGY CENTER 2100

EITAN MEHULAL LAW GROUP
10 Abba Eban Blvd. PO Box 2081
Herzlia 46120 IL ISRAEL

In Re Application: JASHEK et al.
Appl No. 11/884,033
Filed: July 23, 2008
Attorney Docket No. P-9113-US
For: SYSTEM AND METHOD FOR MITIGATING MEMORY REQUIREMENTS

WITHDRAW FROM ISSUE
FEE NOT PAID
37 CFR 1.313(a)

The petition filed on October 30, 2011 under 37 CFR 1.313(a) is being treated as a petition under 37 CFR 1.181 in accordance with the decision mailed on October 31, 2011. No fee is required. The above identified application is being withdrawn from issue pursuant to 37 CFR 1.313(a), in response to the Petition and request filed October 30, 2011.

The application is being withdrawn to permit reopening of prosecution, in order to determine accuracy of the priority claim, ***prior to*** payment of issue fee.

Patent and Trademark Office records reveal that the issue fee has been subsequently paid (on October 31, 2011). Since the issue fee has been submitted, Applicant may request a refund, or may request that the fee be credited to a deposit account. However, Applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, Applicant may request either a refund or a credit to a specified Deposit Account.

The application is being forwarded to the tech. support staff to complete processing of the request for withdrawal from Issue and then to the Examiner for prompt action on the merits.

Any inquiries related to this decision may be directed to Quality Assurance Specialist Brian Johnson at (571) 272-3595.

Nestor Ramirez
Director, Technology Center 2100
Computer Architecture and Software

UNITED STATES 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 2 1 2010

OFFICE OF PETITIONS

Richard F. Jaworski
c/o Cooper & Dunham
1185 Avenue of the Americas
New York NY 10036

In re Application of	:	
Elsa Andersen, et al.	:	
Application No. 11/884,038	:	DECISION ON PETITION
Filed: August 8, 2007	:	
Attorney Docket No. 1175/78256	:	

This is a decision on **(a)** the petition, filed July 2, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment and in the alternative, **(b)** a petition to revive the above-identified under the unintentional provision of 37 CFR 1.137(b).

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

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

This application was held abandoned for failure to reply to the Final Office action mailed December 14, 2009, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on August 3, 2010.

Petitioner asserts that the Office action dated December 14, 2009 was not received.

Petitioner's arguments and evidence have been reviewed. While the Final Office action mailed December 14, 2009 (Office action), may not have been received by the petitioner, the Office did mail the Office action to the correspondence address of record at that time. Petitioner's statement concerning a request for a change of address, allegedly filed in the instant application, dated December 4, 2008, has been noted. The Office does not have evidence of receiving that request for change in correspondence address for the instant application prior to the mailing of the Office action. The instant petition does not include evidence that such a request for change of correspondence address was submitted to the Office. Accordingly, the instant petition has failed to establish that the Office action was mailed to an incorrect address.

No response to the Final Office Action of December 14, 2009, has been timely received by the Office. Thus, the instant application became abandoned by law on March 15, 2009. Accordingly,

absent the required evidence to establish non-receipt of the Office action of December 14, 2009, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

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, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1) in that the required reply to the Final Office action of December 14, 2009, has not been received by the Office.

The $1,620 petition fee will be charged to petitioner's deposit account, as authorized in the 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 Terri Johnson at (571) 272-2991.

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **Richard F. Jaworski**
c/o Cooper & Dunham LLP
30 Rockefeller Plaza
New York, NY 10112

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Richard F. Jaworski
c/o Cooper & Dunham
1185 Avenue of the Americas
New York NY 10036

MAILED

OCT 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Elsa Andersen, et al.	:	
Application No. 11/884,038	:	DECISION ON PETITION
Filed: August 8, 2007	:	
Attorney Docket No. 1175/78256	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 22, 2010, 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 December 14, 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 (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 March 15, 2010. A Notice of Abandonment was mailed on August 3, 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; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

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

(October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

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 Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3753 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

cc: **Richard F. Jaworski**
Cooper & Dunham
30 Rockfeller Plaza
New York, NY 10112

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

JUL 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Elsa Anderson, et al.	:	
Application No. 11/884,038	:	ON PETITION
Filed: August 8, 2007	:	
Attorney Docket No. 1175/78256	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 5, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed September 22, 2010, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on November 23, 2010. See MPEP 1215.04. A Notice of Abandonment was mailed May 20, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

This application is being referred to Technology Center AU 3753 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

SCHULTE ROTH & ZABEL LLP
ATTN: JOEL E. LUTZKER
919 THIRD AVENUE
NEW YORK NY 10022

MAILED

JAN 12 2011

OFFICE OF PETITIONS

In re Application of	:	
Wu et al.	:	
Application No. 11/884,067	:	DECISION ON PETITION
Filed: June 6, 2008	:	
Attorney Docket No. 064758-0013	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 12, 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 date of abandonment of this application is October 20, 2010. A Notice of Abandonment was mailed November 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 payment of the issue fee of $1,510.00 and the publication fee of $300.00, (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TROUTMAN SANDERS LLP
5200 BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA GA 30308-2216

MAILED
APR 26 2011
OFFICE OF PETITIONS

In re Application of
Yong Chul LEE et al.
Application No. 11/884,077
Filed: August 09, 2007
Attorney Docket No. BP002US

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 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 non-final Office action mailed, August 05, 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 06, 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. Accordingly, the reply to the non-final Office action of August 05, 2010 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 1633 for appropriate action by the Examiner in the normal course of business on the reply received.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO CA 92656

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Jung Kyung SEO	:	
Application No. 11/884,180	:	DECISION ON PETITION
Filed: February 28, 2008	:	
Attorney Docket No. WDUMR-037US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 29, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 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 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. Accordingly, the reply to the non-final Office action of September 29, 2009 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 3761 for appropriate action by the Examiner in the normal course of business on the reply received.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

MAILED

JUN 13 2011

OFFICE OF PETITIONS

In re Application Gorbach, et al. Application No. 11/884,187 Filed: August 10, 2007 Attorney Docket No. 50002/024002	DECISION ON APPLICATION FOR PATENT TERM ADJUSTMENT

This letter is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT", filed May 23, 2011. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from four hundred seventy (470) days to four hundred seventy-five (475) days.

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

On April 19, 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 four hundred seventy (470) days. On May 23, 2011, Applicants timely[1] submitted an application for patent term adjustment, asserting that the correct number of days of PTA at the time of the mailing of the Notice of Allowance is four hundred seventy-five (475) days.

---

[1] Applicants filed the application for patent term adjustment on the same date as the issue fee.

Applicants state that the patent issuing from the application is not subject to a terminal disclaimer.

The Office initially determined a patent term adjustment of four hundred seventy (470) days based on an adjustment for PTO delay of three hundred eighty-five (385) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1) and eighty-five (85) days pursuant to 35 U.S.C. 154(b)(1)(A)(ii) and 37 C.F.R. § 1.703(a)(3), reduced by zero (0) days of Applicant delay. The 385 days of PTO delay is at issue.

Applicants point out that the Office used the completion date of August 15, 2007 as the date used to calculate the 385 days of PTO delay under 37 CFR 1.703(a)(1). Applicants argue that the Office should have used the date of receipt of all 35 U.S.C. 371 requirements - August 10, 2007.

Applicants' argument has been considered, but is not persuasive. Because Applicants did not request early commencement (see box 3 of the Transmittal Letter), commencement occurred on August 15, 2007 (i.e. 30 months from the priority date of February 15, 2005). Commencement is one of the requirements for the 371 completion date. See MPEP 1893.03(b).

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **four hundred seventy (470)** days (470 days of PTO delay reduced by 0 days of applicant delay).

Receipt of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged.

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

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, 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
www.uspto.gov

Patent No. : 7910749B2
Application No.: 11/884203
Inventor(s) : Yasuteru KAJIKAWA et al.
Issued : 03/22/2011
Attorney Docket No.: 3273-0250PUS1

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 address 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.

Tasneem Siddiqui
For Mary Diggs (Supervisor)
Decisions & Certificates of Correction Branch
(703) **756-1593** or (703) 756-1814
Date: 07/21/2011

Address: Marc S. Weiner
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747

ts

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
DEC 05 2011
OFFICE OF PETITIONS

In re Patent No. 7,910,749	:	
Issue Date: March 22, 2011	:	
Application No. 11/884,203	:	ON PETITION
Filed: August 13, 2007	:	
Attorney Docket No. **3273-**	:	
0250PUS1	:	

This is in response to the REQUEST FOR CERTIFICATE OF CORRECTION PURSUANT TO 35 U.S.C. 255 AND 37 C.F.R. 1.323 filed November 10, 2011, to correct assignee name on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED.**

By decision mailed July 21, 2011, a prior REQUEST FOR A CERTIFICATE OF CORRECTION was dismissed. The request included a Request for Certificate of Correction Under 37 CFR 1.323, a draft Certificate of Correction, and the fee set forth in 37 CFR 1.20(a) for issuance of a certificate of correction. The request was dismissed and a request under 37 CFR 3.81(b) directed to the Office of Petitions was required.

However, a further request for CERTIFICATE OF CORRECTION to correct assignee data due to Office error, filed August 29, 2011, was granted. Pursuant to the certificate of correction submitted by patentee, a Certificate of Correction correcting the error in the assignee name was issued on October 18, 2011.

On November 10, 2011, the instant request for a corrected Certificate of Correction was filed. This request was made to correct patentee's typographical error. The spelling of the name of the assignee was corrected to "Daicel Chemical Industries,

Ltd." and a draft Certificate of Correction was submitted. The typographical error was in spelling "Daicel" as "Diacel" on the prior draft Certificate of Correction. (It is noted that in the records of the Office the assignee's name is spelled "Daicel.")

Receipt of the $100 certificate of correction fee and the $130 processing fee is acknowledged.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3219. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch has been notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/884,306	08/14/2007	Tatsuya Mitsugi	1163-0630PUS1	3370

2292 7590 12/02/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
12/02/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.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

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

In re Application of	:	
MITSUGI, TATSUYA, et al.	:	DECISION ON REQUEST TO
Application No. 11/884,306	:	PARTICIPATE IN PATENT
Filed: August 14, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. **1163-0630PUS1**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 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 October 14, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO 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 JPO 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 JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH 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 Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Kenneth A. Wieder/

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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.
11/884,336	09/12/2008	Gunter Lob	536-012.5	3316

7590 11/23/2010
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

EXAMINER
HANNA, SAMUEL SALEEB

ART UNIT	PAPER NUMBER
4137	

MAIL DATE	DELIVERY MODE
11/23/2010	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.

Mimi 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.
11/884,374	05/24/2010	Alexander Fish	41777	3803

7590 07/20/2011
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

EXAMINER
TRAN, ANH Q

ART UNIT	PAPER NUMBER
2819	

MAIL DATE	DELIVERY MODE
07/20/2011	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

July 20, 2011

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

Re Application of	
FISH, ALEXANDER, ET AL	: **DECISION ON PETITION**
Application: **11/884374**	: **ACCEPTANCE OF COLOR**
Filed: **08/15/2007**	: **DRAWINGS**
Attorney Docket No: **41777**	

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) August 15, 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
Alexandria, VA 22313-1450
www.uspto.gov

KILPATRICK TOWNSEND &
STOCKTON LLP
1001 WEST FOURTH STREET
WINSTON-SALEM NC 27101

MAILED

JUN 16 2011

OFFICE OF PETITIONS

In re Application of	:	
Tom Kjetil Askeland	:	ON REQUEST FOR
Application No. 11/884376	:	RECONSIDERATION OF
Filing or 371(c) Date: 02/07/2008	:	PATENT TERM ADJUSTMENT
Atty Docket No.:	:	
58311/347475	:	

This is in response to the PETITION REGARDING PATENT TERM ADJUSTMENT INDICATED IN NOTICE OF ALLOWANCE, filed May 3, 2011. Applicant requests an adjustment of the patent term to indicate a total Patent Term Adjustment of 497 days, not 307 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 petition regarding 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.

UNITED STATES 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.

UC Berkeley - OTL
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto CA 94303

MAILED

OCT 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Flannery et al.	:	
Application No. 11/884,418	:	DECISION ON
Filed: March 10, 2009	:	PETITION
Attorney Docket No.**B05-066**	:	
(BERK-043)	:	

This is a decision on the PETITION TO THE COMMISSIONER UNDER 37 C.F.R. §1.181 filed September 29, 2011, requesting resetting of the period for reply to the Final Office action issued May 26, 2011 on the basis that the Office action was never received. Applicants petition to restart the previously set period for reply to the Final Office action to run from the date of discovery of the Final Office action (September 23, 2011), the date of a status check.

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).

Relief is properly sought by way of petition under 37 CFR 1.181. However, the situation is not specifically addressed. The MPEP addresses late receipt of an Office action and resetting of the period for reply, and non-receipt of an Office action and withdrawal of the holding of abandonment and resetting of the period for reply. The MPEP does not provide for resetting of the period for reply based on non-receipt to run from the date of discovery of the existence of the Office action. Nonetheless, it is concluded that under the circumstances of this case, a showing of non-receipt of the Office action would

warrant re-mailing of the Office action and restarting of the period of reply.

Unfortunately, applicants have not submitted an adequate showing of non-receipt.

A review of the application file reveals no irregularities in the mailing of the Office action mailed May 26, 2011. Thus, there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to overcome this presumption.

Besides showing that there is a reliable docketing system in place, the showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. In addition, a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The petition includes docket records. However, the showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. The petition does not include this statement from the practitioner.

On request for reconsideration, applicants may submit such a statement by the practitioner.

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

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

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

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

UC Berkeley - OTL
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto CA 94303

MAILED
OCT 24 2011
OFFICE OF PETITIONS

In re Application of	:	
Flannery et al.	:	
Application No. 11/884,418	:	DECISION ON
Filed: March 10, 2009	:	PETITION
Attorney Docket No.**B05-066**	:	
(BERK-043)	:	

This is a decision on the REQUEST FOR RECONSIDERATION OF PETITION TO THE COMMISSIONER UNDER 37 C.F.R. § 1.181, filed October 13, 2011, requesting resetting of the period for reply to the Final Office action issued May 26, 2011 on the basis that the Office action was never received.

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

By decision mailed October 3, 2011, the initial petition was dismissed as applicants had not established non-receipt of the Office action and thus, it was concluded that the relief requested was not warranted.

On renewed petition, applicants submitted a statement from the practitioners 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 initial petition, applicants had submitted docketing records to show where the Office action would have been entered had it been received and docketed.

Applicants have now established non-receipt of the final Office action mailed May 26, 2011. Accordingly, mailing of a new final Office action 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 1633 has been advised of this decision. The application is, thereby, forwarded to the Technology Center's technical support staff to re-mail the Office action mailed May 26, 2011 and to restart the period for reply to the Office action.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
AUG 09 2011
OFFICE OF PETITIONS

KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of	:	
Humphrey, et al.	:	
Application No. 11/884,421	:	ON PETITION
Filed: August 15, 2007	:	
Attorney Docket No. 01098-03	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed July 20, 2011.

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

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action mailed November 22, 2010. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on February 23, 2011. The Office mailed a Notice of Abandonment on June 24, 2011.

With the instant petition, applicants made the proper statement of unintentional delay, paid the petition fee, and filed the required reply in the form of an Amendment.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $555.00 extension of time fee submitted with the petition on July 20, 2011 was subsequent to the maximum period obtainable for reply (May 22, 2011), this fee has been refunded to petitioner's Deposit Account 20-1430.

The application is being forwarded to Group Art Unit 3767 for consideration of the Amendment, filed July 20, 2011.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

AUG 12 2011

PCT LEGAL ADMINISTRATION

AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE
NEW YORK NY 10016

In re Application of:
TEASDALE, Barry, Charles, et al.
U.S. Application No.: 11/884,424
PCT No.: PCT/GB2006/000531
International Filing Date: 16 February 2006
Priority Date: 16 February 2005
Attorney's Docket No.: 96713/28
For: AN INFALATABLE COMPONENT FOR AN ALTERNATING PRESSURE MATTRESS

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to the petition under 37 CFR 1.47(a) filed by applicants on 25 November 2008. Applicants paid $130 as the petition fee; however, the applicable petition fee is $200. Deposit Account No. 01-1785 will be charged the additional $70 necessary to complete the required petition fee.

BACKGROUND

On 16 February 2006, applicants filed international application PCT/GB2006/000531. The international application claimed a priority date of 16 February 2005, and it designated the United States. On 24 August 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 16 August 2007.

On 15 August 2007, applicants filed a Transmittal Letter requesting entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 25 April 2008, the United States Elected/Designated Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 25 November 2008, applicants filed a response to the Notification Of Missing Requirements (with required five-month extension fee). The response included payment of the required surcharge, a declaration executed by one of the two inventors of record, and the petition

under 37 CFR 1.47(a) considered herein. The petition requests acceptance of the application without the signature of co-inventor Jon LEWIS, whom applicants assert has refused to execute the declaration.

On 19 May 2009, the DO/EO/US mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) indicating that the requirements of 35 U.S.C. 371(c), including the declaration requirement of 35 U.S.C. 371(c)(4), were satisfied as of 25 November 2008.

The application was subsequently examined and, on 25 May 2011, the USPTO mailed a "Notice Of Allowance And Fee(s) Due" (Form PTOL-85) and "Notice Of Allowability" (Form PTOL-37).

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by one of the two inventors of record, and the declaration includes an unsigned signature block for the non-signing inventor, Jon LEWIS. This declaration may be accepted as having been executed by the signing inventor on his own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), MPEP section 409.03(d)(II) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, as evidence of the inventor's refusal to execute the declaration, applicants have provided a statement from Steve Morgan, with supporting documents. The statement indicates that two requests for signature were forwarded to the non-signing inventor's last known address by Leyton Stevens, and that no response was received. The statement also indicates that, five days before the filing of the petition, Mr. Morgan hand-delivered a signature request to the non-signing inventor's wife at the inventor's last-known residence, after which Mr. Morgan received a telephone call from the non-signing inventor. The inventor indicated he would deal with the documents when he returned home, but no further communication was received from the inventor prior to the filing of the petition. The petition does not, however, include a firsthand statement from Mr. Leyton Stevens, the person who forwarded the first two signature requests to the inventor, as necessary to confirm such correspondence and the enclosures included therewith. Moreover, the petition does not indicate that a copy of the complete application was included with any of the signature requests provided to the inventor, as required (the petition refers only to the declaration, a power of attorney, and an assignment). Finally, the less-than one week period between the hand-delivery of the signature request to the inventor's home and the filing of the petition was not a sufficient period of time to conclude that the inventor's failure to respond represented a refusal to sign the declaration.

Before it can be concluded that the non-signing inventor has refused to execute the application, applicants must provide supplemental materials, including a firsthand statement(s) (with documentary support) providing an acceptable showing that a request for signature, accompanied by a copy of the complete application, has been delivered to the non-signing inventor and that the inventor has refused to provide the requested signature in response to such request.

Based on the above, item (4) of a grantable petition under 37 CFR 1.47(a) is not satisfied on the present record.

CONCLUSION

Applicants' 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** of the mail date of the present decision. Any request for reconsideration should be entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the 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.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

UNITED STATES 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 01 2011

PCT LEGAL ADMINISTRATION

AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE
NEW YORK NY 10016

In re Application of: TEASDALE, Barry, Charles, et al. U.S. Application No.: 11/884,424 PCT No.: PCT/GB2006/000531 International Filing Date: 16 February 2006 Priority Date: 16 February 2005 Attorney's Docket No.: 96713/28 For: AN INFALATABLE COMPONENT FOR AN ALTERNATING PRESSURE MATTRESS	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Renewed Petition Pursuant To 37 C.F.R. §1.47(a)" filed on 12 October 2011. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 12 August 2011. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a), finding that applicants had not satisfied all the requirements of a grantable petition. Specifically, applicants had failed to provide an acceptable showing that the non-signing inventor has refused to execute the application.

On 12 October 2011, applicants filed the renewed petition considered herein.

DISCUSSION

The renewed petition was accompanied by a statement from attorney Benjamin M. Halpern, with supporting documents. This statement provides a firsthand showing that a request for signature, accompanied by a copy of the complete application, was delivered to the last known address of the non-signing inventor via Federal Express and that the inventor did not provide the requested signed declaration in response to such request. These materials, in combination with those submitted with the original petition, provide an acceptable showing that non-signing inventor Jon LEWIS has refused to execute the application.

In view of the above, applicants have now satisfied the final outstanding element of a grantable petition under 37 CFR 1.47(a). The petition is therefore appropriately granted.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of non-signing co-inventor Jon LEWIS.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) remains 25 November 2008, as set forth in the "Notification Of Acceptance" (Form PCT/DO/EO/903) mailed herein on 19 May 2009.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

UNITED STATES 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 01 2011

PCT LEGAL ADMINISTRATION

Mr. Jon LEWIS
Sycamore House
234a Bedwas Road
Caerphilly
UNITED KINGDOM

In re Application of: TEASDALE, Barry, Charles, et al.
U.S. Application No.: 11/884,424
PCT No.: PCT/GB2006/000531
International Filing Date: 16 February 2006
Priority Date: 16 February 2005
Attorney's Docket No.: 96713/28
For: AN INFALATABLE COMPONENT FOR AN ALTERNATING PRESSURE MATTRESS

Dear Mr. LEWIS:

You are identified 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 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.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

Counsel Of Record:
Benjamin M. Halpern
AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE
NEW YORK NY 10016

UNITED STATES 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. : **7893132**
Ser. No. : **11/884504**
Inventor(s) : **SULTAN, BERNT-AKE**
Issued : **02/22/2011**
Title : **POWER OR COMMUNICATIONS CABLE WITH FLAME RETARDANT POLYMER LAYER**
Docket No. : **KADZ 200060US01**

Re: Request for Certificate of Correction

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

In regards to the alleged error(s) on the Cover Page, Item 75 is printed in accordance with the Oath of Declaration filed on 10-22-07. A Petition under Rule 1.182 is required to correct the spelling of an inventor's name.

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

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

FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland OH 44115

OL

DAC/IFW

Doc Code: PET.PTA.RCAL
Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (02-10)
Approved for use through 08/31/2013. OMB 0651-0020
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

OPAP IAP5 OCT 05 2010 PATENT & TRADEMARK OFFICE

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

Attorney Docket Number: VKSW 200012US01	
Application Number: 11/884,514	Filing Date (or 371(b) or (f) Date): 08/16/2007
Patent Number: 7,655,473	Issue Date: 02/02/2010
First Named Inventor: Andreas Golitz	
Title: METHOD AND DEVICE FOR DETERMINING THE CONCENTRATION OF NITRITE	

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature Terrance Fitzgerald	Date 9-30-10
Name (Print/Typed) Terrance W. Fitzgerald	Registration Number 66263

***Note**: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below**.*

☑ *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 10 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland, OH 44115

Mail Date: 10/20/2010

Applicant	: Andreas Golitz	: DECISION ON REQUEST FOR
Patent Number	: 7655473	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/884,514	: OF WYETH
Filed	: 08/16/2007	:
		:

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
www.uspto.gov

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

MAILED
JUN 21 2011
OFFICE OF PETITIONS

In re Patent No. 7,902,156	: DECISION ON
Beliveau, et al.	: REQUEST FOR RECONSIDERATION
Application No. 11/884,629	: of PATENT TERM ADJUSTMENT
Issue Date: March 8, 2011	: and
Filed: April 25, 2008	: NOTICE OF INTENT TO ISSUE
Attorney Docket No. 50546/004004	: 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 May 9, 2011, requesting that the patent term adjustment indicated on the above-identified patent be corrected from four hundred fifty-five (455) days to four hundred fifty-seven (457) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED.**

On March 8, 2011, the instant application matured into U.S. Patent No. 7,902,156 with a patent term adjustment of four hundred fifty-five (455) days. The Office determined a patent term adjustment of 455 days based upon 319 days of Office delay pursuant to 37 CFR 1.703(a)(1) and 200 days pursuant to 37 CFR 1.703(b), reduced by 64 days of Applicant delay pursuant to 37 CFR 1.704(c)(8).

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 August 18, 2007 (i.e. 30 months from the priority date of February 18, 2005). Accordingly, the over three year period began on August 19, 2010 and ended on March 8, 2011 (the patent issue date), and is 202 days. See 35 U.S.C. 154(b)(1)(B)(i). Therefore, the "B" delay period is 202 days, not 200 days as originally calculated.

In view thereof, the correct number of days of patent term adjustment is **four hundred fifty-seven (457)** days (319 days of "A" delay and 202 days of "B" delay, reduced by 64 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 fifty-seven (457) 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 : 7,902,156 B2

DATED : **March 8, 2011**

INVENTOR(S) : Beliveau 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 455 days.

Delete the phrase "by 455 days" and insert – by 457 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mark J. Pandiscio
Pandiscio & Pandiscio, P.C.
470 Totten Pond Road
Waltham MA 02451-1914

MAILED

NOV 10 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Geis et al. :
Application No. 11/884,666 :
Filed: September 15, 2008 :
Attorney Docket No. OXIRA-2 :
For: COATING AND METHOD FOR APPLYING A COATING TO A MEDICAL INSTRUMENT, AND MEDICAL INSTRUMENT

This is a decision on the petition under 37 CFR 1.181, filed November 1, 2011 (certificate of mailing date October 27, 2011), requesting that the Office withdraw the holding of abandonment of the above-identified application.

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

This application was held abandoned for failure to respond in a timely manner to the non-final Office action, mailed March 24, 2011, which set forth an extendable three (3) month period for reply. A Notice of Abandonment, mailed September 29, 2011, states that no reply to the March 24, 2011 non-final Office action was received in the Office.

Petitioners request withdrawal of the holding of abandonment based on the assertion that a request for a three month extension of time and an amendment were timely mailed to the Office on certificate of mailing date Monday, September 26, 2011 and physically present in the Office on September 29, 2011. The undersigned finds this argument completely convincing, as these documents are present in the application file and Office financial records show that the required three month extension of time fee was charged on accounting date September 30, 2011. The petition for extension of time and the amendment contain proper certificates of mailing affixed thereto.

Under 37 CFR 1.8(a)(1) correspondence is considered timely if: (1) the correspondence is mailed or transmitted prior to expiration of the set period for response by being properly addressed to the Patent and Trademark Office as set out in 37 CFR 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail or transmitted to the Patent and Trademark

Office in accordance with 37 CFR 1.6(d); and (2) the correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have a reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

As stated above, all salient pieces of correspondence included a proper certificate of mailing, in compliance with the requirements of 37 CFR 1.8(a)(1) as set forth above.

The petition under 37 CFR 1.181 is **granted**, the holding of abandonment is withdrawn, and the September 29, 2011 Notice of Abandonment is **vacated**. No petition fee has been or will be charged in connection with this matter.

This application is being referred to Technology Center GAU 3763 for consideration of the amendment filed on September 29, 2011 (certificate of mailing date Monday, September 26, 2011).

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/884,678	05/07/2008	Rakesh Ratnam	28570U	5108

7590 08/11/2010
THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314

EXAMINER
KRISHNAN, GANAPATHY

ART UNIT	PAPER NUMBER
1623	

MAIL DATE	DELIVERY MODE
08/11/2010	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.

Patent Publication Branch
Office of Data Management

FORM PET651D (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
www.uspto.gov

FITCH, EVEN, TABIN & FLANNERY
P. O. BOX 18415
WASHINGTON DC 20036

RECEIVED
ODM

JAN 13 2011

In re Application of
KATSUMURA, SHIGEO et al. :
Application No. 11/884,737 : **DECISION ON PETITION**
Filed: August 21, 2007 :
Attorney Docket No.: 8156/91539 :

This is a decision on the Request to Rescind Abandonment received in the United States Patent and Trademark Office (USPTO) on December 30, 2010.

The petition is **GRANTED.**

Any request for reconsideration of the decision, or as explained below, filing a petition seeking revival under 37 CFR 1.137, must be filed within TWO MONTHS (2) from the mail date of this decision.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) Due mailed September 8, 2010. The Notice of Abandonment, mailed on December 22, 2010.

Supplemental Notice of Allowability doesn't extend or restart payment of the issue fee. Examiner Sololá's office action mailed September 28, 2010, which states: "This Office action supersedes the previous Notice of Allowance."

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1547.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

MAILED
OCT 04 2010
OFFICE OF PETITIONS

In re Application of :
Jun Akikusa et al. :
Application No. 11/884,785 : DECISION ON PETITION
Filed: August 21, 2007 :
Attorney Docket No. 2007_1241A :

This is a decision on the petition, filed March 20, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notification of Missing Requirements Under 35 USC 371 In The United States Designated/Elected Office (DO/EO/US) (Notice) mailed March 24, 2008, which set a period of reply of two (2) months from the date of the Notice or 32 months form the priority date for the application, whichever is later. A Notice of Abandonment was mailed on February 11, 2009.

Petitioner asserts that the Notice dated March 24, 2008 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 Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received.

The showing required to establish nonreceipt of an Office communication must include:

(1) a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

(2) Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received.

(3) A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. See MPEP §711.03(c)(I)(A).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Office of Patent Application Processing for re-mailing the Notice of March 24, 2008. The period for reply will run from the mailing date of the Notice.

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
www.uspto.gov

MICHAELSON & ASSOCIATES
P.O. BOX 8489
RED BANK NJ 07701-8489

MAILED

JUN 23 2011

OFFICE OF PETITIONS

In re Application of	:	
CHEN	:	
Application No. 11/884,848	:	DECISION ON PETITION
Filed: May 7, 2008	:	TO WITHDRAW
Attorney Docket No. CHENLU-1/PCT/US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 6, 2011.

The request is **APPROVED**.

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

The request was signed by R. Alan Burnett on behalf of the attorneys of record associated with Customer No. 07265.

The attorneys of record associated with Customer No. 07265 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.

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

cc: MAGGIE CHEN
35017 HOLLYHOCK STREET
UNION CITY, CA 94587

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
11/884,848	05/07/2008	Maggie Chen	ChenLu-1/PCT/US

CONFIRMATION NO. 7728

POWER OF ATTORNEY NOTICE

7265
MICHAELSON & ASSOCIATES
P.O. BOX 8489
RED BANK, NJ 07701-8489

OC000000048364321

Date Mailed: 06/22/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/06/2011.

- 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.

/dcgoodwyn/

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
Alexandria, VA 22313-1450
www.uspto.gov

ROBERT D. SHEDD, PATENT OPERATIONS
THOMSON LICENSING LLC
P.O. BOX 5312
PRINCETON NJ 08543-5312

MAILED
SEP 12 2011
OFFICE OF PETITIONS

In re Application of	:	
Sanocki et al.	:	
Application No. 11/884,902	:	DECISION ON PETITION
Filed: August 22, 2007	:	
Attorney Docket No. PU040325	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 16, 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, January 21, 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 April 22, 2011. A Notice of Abandonment was mailed August 16, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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 $1,620.00; and (3) a proper statement of unintentional delay.

The address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

This matter is being referred to Technology Center AU 1747 for processing of the Request for Continued Examination under 37 CFR 1.114 and the Amendment filed with the instant petition.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Jeffrey D. Hale
2 Independence Way
Princeton, NJ 08540

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CONTINENTAL TEVES, INC.
ONE CONTINENTAL DRIVE
AUBURN HILLLS MI 48326-1581

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Thomas Fechner et al.	:	
Application No. 11/884,911	:	DECISION ON PETITION
Filed: August 22, 2007	:	
Attorney Docket No. **TM054**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 5, 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 3, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 4, 2009.

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, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to be acknowledged as the attorney of record in this application, the appropriate power of attorney document must be submitted.

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

This application is being referred to Technology Center AU 2612 for appropriate action by the Examiner in the normal course of business on the reply received.

JoAnne Burke
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.
11/884,981	08/22/2007	Adrian Gee-Turner	FKMIP001	9210

7590 09/08/2010
Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

EXAMINER
CHU, KAIYEU K

ART UNIT	PAPER NUMBER
3771	

NOTIFICATION DATE	DELIVERY MODE
09/08/2010	ELECTRONIC

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.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 03/30/11

TO SPE OF : ART UNIT 1791

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/885,004 Patent No.: 7,830,076

CofC mailroom date: 12/14/10

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

RoChaun Johnson
Certificates of Correction Branch
703-756-1580

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: _____

/NIMESHKUMAR D. PATEL/ 2879
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

MORRISON & FOESTER LLP
755 PAGE MILL ROAD
PALO ALTO, CA 94304-1018

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Matthew Partlett et al.	:	
Application No. 11/885,024	:	DECISION ON PETITION
Filed: July 9, 2008	:	TO WITHDRAW
Attorney Docket No. **3485-P10383US**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed January 14, 2011.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 25226 has been revoked by the assignee of the patent application on January 19, 2011. Therefore, petitioner no longer has power in the above-identified application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

FEB 18 2011

OFFICE OF PETITIONS

In re Application of Milijasevic et al. Application No. 11/885,025 Filed: July 9, 2008 Attorney Docket No. 3485-P10447US	: : : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 14, 2011.

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

A review of the file record indicates that on February 17, 2011 the power of attorney to Morrison & Foerster LLP 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
Petitions Examiner
Office of Petitions

cc: TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
JUN 06 2011
OFFICE OF PETITIONS

D. PETER HOCHBERG CO. L.P.A.
1940 EAST 6TH STREET
CLEVELAND OH 44114

In re Application of	:
Braunschweiler	: DECISION ON PETITION
Application No. 11/885,027	:
Filed: August 24, 2007	:
Atty. Dkt. No: LA4442US (#90734)	:

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed May 13, 2011.

The application was held abandoned for failure to timely submit a proper reply to the restriction requirement mailed September 28, 2010. Notice of Abandonment was mailed April 13, 2011.

Petitioners request withdrawal of the holding of abandonment of the instant application on the basis of non-receipt of the Office communication.

The showing required to establish non-receipt 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 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).

The instant petition and supporting documents have been carefully review and found in compliance with the requirements for establishing non-receipt of an Office communication.

In view thereof, the petition is hereby GRANTED. The holding of abandonment is withdrawn and the Notice of Abandonment is vacated.

This application is being directed to Group Art Unit 3728 for re-mailing of the restriction requirement. The restriction requirement will set a new period of time for reply.

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

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.
11/885,060	08/23/2007	Tong-Kun Lim	60368/J257	9987

7590 03/11/2011
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER
WU, SHEAN CHIU

ART UNIT	PAPER NUMBER
1722	

MAIL DATE	DELIVERY MODE
03/11/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

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

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 11, 2011

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

In re Application of	:	
Tong-Kun Lim et al.	:	**DECISION ON PETITION**
Application No. 11885060	:	
Filed: 8/23/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 60368/J257	:	***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 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, 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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JAN 06 2011

PCT LEGAL ADMINISTRATION

CR MILES, P.C.
CRAIG R. MILES
405 MASON COURT, SUITE 119
FORT COLLINS CO 80524

In re Application of:
DUNCAN, Diane, I.
U.S. Application No.: 11/885,084
PCT No.: PCT/US2007/015946
International Filing Date: 13 July 2007
Priority Date: 14 July 2006
Attorney's Docket No.: DuncanUSNP
For: COMPOSITIONS AND METHODS FOR FAT REDUCTION

DECISION
(37 CFR 1.181)

This decision is issued in response to the "Petition To The Director Under 37 CFR § 1.181" filed 01 July 2009, treated 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 13 July 2007, applicant filed international application PCT/US2007/015946. The international application claimed a priority date of 14 July 2006, and it designated the United States. The deadline for submitting the basic national fee was thirty months from the priority date, i.e., 14 January 2009.

The international application as filed included an executed declaration of the inventor under PCT Rule 4.17(iv).

On 24 August 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. The submission did not include an express request to begin national examination procedures pursuant to 35 U.S.C. 371(f).

On 09 June 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 18 May 2009. Also on 09 June 2009, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 18 May 2009.

On 01 July 2009, applicants filed the "Petition To The Director Under 37 CFR § 1.181" considered herein as a petition under 37 CFR 1.181.

DISCUSSION

A review of the application file confirms that an executed declaration was filed during the international phase pursuant to PCT Rule 4.17(iv), the international application was filed in English in the USPTO, and payment of the U.S. basic national fee was included with the initial national stage materials filed on 24 August 2007. Under these circumstances, the appropriate "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" is 24 August 2007, as asserted by applicant in the present petition.

With respect to the second date listed on the Notification Of Acceptance (i.e., the "Date Of Completion Of all 35 U.S.C. 371 Requirements"), MPEP section 1893.03(b) sets forth the following criteria:

> The "Date of Completion of all 35 U.S.C. 371 Requirements" included on the NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) is ... the latest of:
>
> (A) the date of submission of the basic national fee;
>
> (B) the date of submission or communication of the copy of the international application;
>
> (C) the date of submission of the translation of the international application if the international application is not in the English language;
>
> (D) the date of submission of an oath or declaration of the inventor in compliance with 35 U.S.C. 371 (c)(4) (see 37 CFR 1.497(c) for an explanation of when an oath or declaration will be accepted as complying with 35 U.S.C. 371(c)(4));
>
> (E) the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(f) if requested prior to 30 months from the priority date (Form PCT/DO/EO/903 will indicate the date early processing was requested);
>
> (F) if a request for early processing has not been requested prior to 30 months from the priority date, the date of submission of any translation of the annexes to the international preliminary examination report if the translation of the annexes are filed within the time period set in a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring either an English translation of the international application or an oath or declaration; and
>
> (G) the date of submission of any surcharge for submitting the oath or declaration later than 30 months from the priority date.

In the present application, elements "A," "B," and "D" were satisfied as of 24 August 2007, and elements "C," "F", and "G" do not apply. The appropriate "Date Of Completion Of All 35 U.S.C. 371 Requirements" is therefore determined by element "E." As noted above, the materials filed by applicants on 24 August 2007 to initiate the present application did not include a "request for early processing under 35 U.S.C. 371(f)," nor was such a request included in any

subsequent submission. Accordingly, pursuant to element "E," the appropriate "Date Of Completion Of All 35 U.S.C. 371 Requirements" is thirty months from the priority date, i.e., 14 January 2009 ("the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(c)(4)").

In view of the above, the Notification Of Acceptance (Form PCT/DO/EO/903) mailed 09 June 2009, which incorrectly identified 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 18 May 2009, is appropriately vacated.

A corrected Notification of Acceptance will be issued that identifies the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" as 24 August 2007 and the "Date Of Completion Of All U.S.C. 371 Requirements" as 14 January 2009.

A corrected filing receipt will also be issued that identifies the 35 U.S.C. 371(c) date as 24 August 2007.[1]

CONCLUSION

The petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date is **GRANTED** to the extent discussed above.

The Notification Of Acceptance (Form PCT/DO/EO/903) mailed 09 June 2009, which incorrectly identified 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 18 May 2009, and the subsequently mailed filing receipt that incorrectly identified the 35 U.S.C. 371(c) date as 18 May 2009, are hereby **VACATED.**

The correct "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" is **24 August 2007**.

The correct "Date Of Completion Of All U.S.C. 371 Requirements" is **14 January 2009**.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the issuance of a corrected Notification of Acceptance (Form PCT /DO/EO/903) and filing receipt.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

[1] The 35 U.S.C. 371(c) date listed on the filing receipt is the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements," not the "Date Of Completion Of All U.S.C. 371 Requirements." See MPEP section 1893.03(b).

2 1 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Blakely, Sokoloff, Taylor & Zafman LLP
1279 Oakmead Parkway
Sunnyvale CA 94085-4040

In re Application of	:	
ARAGONES et al.	:	DECISION ON
Serial No.: 11/885,093	:	
PCT No.: PCT/EP06/60191	:	PETITION
Int. Filing Date: 22 February 2006	:	
Priority Date: 23 February 2005	:	UNDER 37 CFR 1.47(a)
Atty Docket No.: 15675P679	:	
For: DEVICE FOR COUNTERING AND	:	
TRACKING A THREAT IN THE FORM OF A	:	
HOMING-HEAD MISSILE	:	

This decision is in response to applicant's "Renewed Petition under 37 CFR 1. 47(a)" filed 27 January 2010 in the United States Patent and Trademark Office (USPTO) requesting acceptance of the application without the signature of nonsigning inventor Jacques Robineau.

BACKGROUND

The procedural history of this application was set forth in the decision mailed on 27 November 2009 and is incorporated herein by reference. The renewed petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requests the acceptance of the application without the signature of inventor Jacques Robineau, alleging that Mr. Robineau refused to sign the application.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the requisite petition fee, (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), petitioner presents the first hand statement of Bernard Faugere,

Manager of the Industrial Property Department, Safran Group, Sagem Defense Securite. Mr. Faugere indicates that he sent the nonsigning inventor a copy of the application papers along with a declaration. A copy of the correspondence accompanied the declaration along with an English translation. The translation indicates that a copy of the international application and declaration was sent to the inventor for his signature.

A Registered Return Receipt Mail of the French Postal Authority was also attached along with an English translation thereof. From the evidence presented, it is clear that the nonsigning inventor Robineau received a copy of the application papers including a declaration for his signature. Mr. Faugere states that Mr. Robineau ever responded to the request to sign the application. Mr. Faugere's statement of first hand knowledge regarding delivery of the correspondence to the nonsigning inventor and that no response from the inventor was received is acceptable. Accordingly, Item (2) above is satisfied. 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 25 September 2009. The application has an international filing date of 22 February 2006 under 35 U.S.C. 363, and a date of 25 September 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

Tel: 571-272-3286
Fax: 571-273-0459

2 0 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

JACQUES ROBINEAU
21 CHEMIN DE VALLÉES
91620 LA VILLE DU BOIS
FRANCE

In re Application of :
ARAGONES et al. :
Serial No.: 11/885,093 :
PCT No.: PCT/EP06/60191 :
Int. Filing Date: 22 February 2006 :
Priority Date: 23 February 2005 :
Atty Docket No.: 15675P679 :
For: DEVICE FOR COUNTERING AND :
TRACKING A THREAT IN THE FORM OF A :
HOMING-HEAD MISSILE :

Dear Mr. Trotignon:

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

Blakely, Sokoloff, Taylor & Zafman LLP
1279 Oakmead Parkway
Sunnyvale CA 94085-4040

UNITED STATES 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.

High Point Pharmaceuticals, LLC
4170 Mendenhall Oaks Parkway
High Point NC 27265

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of :
Mjalli et al. :
Application No. 11/885,096 :
Filed: April 22, 2009 :
Atty Docket No. TTP 2005-02- :
US-B :
Title: BENZAZOLE DERIVATIVES, :
COMPOSITIONS, AND METHODS OF :
USE AS BETA-SECRETASE :
INHIBITORS :

DECISION
ON APPLICATION FOR
PATENT TERM ADJUSTMENT

This is in response to the "Petition of Patent Term Adjustment Indicated in Notice of Allowance," filed January 6, 2011. Applicant submits that the correct patent term adjustment to be indicated on the patent is one hundred and forty-eight (148) days, not seventy-nine (79) 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 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]

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

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

---

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

Paper No.

High Point Pharmaceuticals, LLC
4170 Mendenhall Oaks Parkway
High Point NC 27265

MAILED
APR 25 2011
OFFICE OF PETITIONS

In re Application of :
Mjalli et al. :
Application No. 11/885,096 :
Patent No. 7,893,267 :
Filed: April 22, 2009 :
Issued: February 22, 2011 :
Atty Docket No. TTP 2005-02- :
US-B :
Title: BENZAZOLE DERIVATIVES, :
COMPOSITIONS, AND METHODS OF :
USE AS BETA-SECRETASE :
INHIBITORS :

DECISION
ON APPLICATION FOR
PATENT TERM ADJUSTMENT

This is in response to the "Petition of Patent Term Adjustment Under 37 C.F.R. § 1.705(d)," filed February 24, 2011. This is also in response to the "Request for Withdrawal of Petition," filed April 6, 2011.

On January 6, 2011, Applicant filed a "Petition of Patent Term Adjustment Indicated in Notice of Allowance," where it was submitted that the correct patent term adjustment to be indicated on the patent is one hundred and forty-eight (148) days, not seventy-nine (79) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. This submission was dismissed via the mailing of a decision on January 18, 2011.

On February 22, 2011, Application No. 11/885,096 matured into U.S. Patent No. 7,893,267, with a patent term adjustment of one hundred and forty-three (143) days.

On February 24, 2011, Patentee filed a "Petition of Patent Term Adjustment Under 37 C.F.R. § 1.705(d)," where it was submitted that the correct patent term adjustment to be indicated on the patent is one hundred and forty-eight (148) days, not one

hundred and forty-three (143) days as indicated on the face of the patent. Office records show that the associated $200.00 fee set forth in 37 C.F.R. § 1.18(e) was charged to Deposit Account No. 50-4674 on February 24, 2011.

On April 6, 2011, Patentee filed a "Request for Withdrawal of Petition," where the withdrawal of the February 24, 2011 submission was requested. The submission further contained an assertion that "Applicants agree that the correct patent term adjustment for the above-referenced application is 143 days, as indicated on the face of the issued patent."

Petitioner's request is **GRANTED** to the extent that the aforementioned $200 fee that was submitted on February 24, 2011 will be refunded to Deposit Account No. 50-4674 in due course.

The petition pursuant to 37 C.F.R. § 1.705(d), filed on February 24, 2101 is withdrawn from consideration, since Patentee has expressly indicated on the record that the 143-day patent term adjustment which appears on the face of the patent is correct.

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
www.uspto.gov

CARELLA, BYRNE, BAIN ET AL.
5 BECKER FARM ROAD
ROSELAND, NJ 07086-1739

MAILED

AUG 27 2010

OFFICE OF PETITIONS

In re Application of
Leiv Andre Dale, et al.
Application No. 11/885,098
Filed: July 3, 2008
Attorney Docket No. 53550.84

DECISION ON PETITION

This is a decision on the petition, filed July 19, 2010, 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**.

Petitioner states that a timely reply was mailed via certificate of transmission on March 29, 2010, which included the following papers: an amendment and a three month extension of time. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of transmission dated March 29, 2010, which rendered the reply timely. The original reply can be located in the file.

The petition satisfies the requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action mailed October 1, 2009 is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642. All other inquires concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3671 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

12-14-2010

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

Patent No. : 7,808,260 B2
Ser. No. : 11/885,107
Inventor(s) : Lich Thanh Tran, et. al.
Issued : October 5, 2010
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.

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 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.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-3422 or 703- 756 -1580

Samuel S. Broda
2055 Gateway Place, Suite 550
San Jose, CA 95110-1089

ej

UNITED STATES 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 13 2011
OFFICE OF PETITIONS

HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE CA 95110

In re Patent No. 7,808,260	:	
Issue Date: October 5, 2010	:	
Application No. 11/885,107	:	DECISION ON PETITION
Filed: June 24, 2008	:	
Attorney Docket No. 60148-0225	:	

This is a decision on the Request For Correction Of Assignee On Issue Patent, filed January 4, 2011, which is being treated as a Petition Under 37 CFR §3.81(b), to identify the correct assignee's name. A completed Certificate of Correction Form (PTO/SB/44) was previously submitted.

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

Petitioner requests that the present Petition was submitted to correct the 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 correct 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) previously submitted.

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. 7,808,260.

Cheryl Gibson Baylor

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

DOCKET CLERK
P.O. DRAWER 800889
DALLAS TX 75380

MAILED

DEC 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Robert G. Warren	:	
Application No. 11/885130	:	ON PETITION
Filing or 371(c) Date: 11/21/2008	:	
Attorney Docket Number: STMI08-00040	:	

This is a decision on the petition to revive the above-identified application under the unintentional provisions of 37 CFR 1.137(b), filed November 16, 2011.

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 2, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Applicant filed a reply to the Office and extension of time on September 6, 2011; however the reply failed to place the application in condition for allowance. Accordingly, the date of abandonment of this application is November 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, and the submission required by 37 CFR 1.114 (filed November 2, 2011); (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 2611 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

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

CANTOR COLBURN LLP
20 CHURCH STREET
22ND FLOOR
HARTFORD CT 06103

MAILED
NOV 02 2011
OFFICE OF PETITIONS

In re Application of	:	
ZOLLER, et al	:	
Application No. 11/885,148	:	NOTICE
Filed: October 10, 2008	:	
Attorney Docket No. POH0004US	:	

This is in response to the paper filed September 30, 2011, under 37 CFR 1.28(g)(2) requesting that status as a Small Entity be removed.

In accordance with the attorney's request, status as a Small Entity has been removed.

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

All other inquiries should be directed to Technology Center 1700 at (571) 272-1700.

This file is being referred to Technology Center AU 1717 for further processing.

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

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED

SEP 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Kunihiko Watanabe	:	
Application No. 11/885,152	:	DECISION GRANTING PETITION
Filed: August 27, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **133661**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, September 7, 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 August 11, 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 2831 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

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

MAILED

DEC 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Kunihiko WATANABE	:	
Application No. 11/885,152	:	DECISION GRANTING PETITION
Filed: August 27, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **133661**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 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 November 9, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2831 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed 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

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

MOTOROLA MOBILITY, INC
600 NORTH US HIGHWAY 45
W2-55BB
LIBERTYVILLE IL 60048-5343

MAILED
MAR 26 2012
OFFICE OF PETITIONS

In re Application of

Rinne, et al.

Application No. 11/885,167

Filed: August 10, 2009

Attorney Docket No. **NOK46733**

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 23, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper response to the final Office action mailed March 3, 2011. The final Office action set a shortened statutory period for reply of three months from its mailing date. The application became abandoned on September 4, 2011. A Notice of Abandonment was mailed February 2, 2012.

The Request for Continued Examination filed February 23, 2012, is noted.

The application file is being forwarded to Technology Center GAU 2444 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

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.
11/885,217	10/25/2007	Hiroko Isoda	F-9530	1781

28107 7590 12/06/2010
JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK, NY 10168

EXAMINER
TATE, CHRISTOPHER ROBIN

ART UNIT	PAPER NUMBER
1655	

MAIL DATE	DELIVERY MODE
12/06/2010	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 0 6 2010

JORDAN AND HAMBURG, LLP
122 EAST 42ND STREET
NEW YORK, NEW YORK 10168

In re Application of
Isoda et al.
Serial No.: 11/885,217
Filed: October 25, 2007
Attorney Docket No.: F-9530

Decision on Petition

This letter is in response to the Petition under 37 C.F.R. 1.181, filed on August 30, 2010 to request the supervisory authority of the Commissioner in a matter involving an *ex parte* restriction requirement.

BACKGROUND

On January 5, 2006, Applicant filed international application PCT/JP2006/300026, which designated the U.S. and claimed a priority date of February 28, 2005. A copy of the international application was communicated to the USPTO on August 28, 2007.

The present application was filed under 35 USC 371 on October 25, 2007 with 13 originally presented claims, wherein these claims were cancelled and replaced with nine new claims (14-22) in a preliminary amendment.

An acting setting forth a lack on unity requirement was mailed to applicants on January 27, 2010. In this Office action, the examiner restricted the 9 pending claims into Groups I and II. A reference was provided in the requirement to establish a lack of novelty of the product over the prior art.

On March 4, 2010, applicants elected, with traverse, the claims drawn to Group I. Applicant's argued that as the claims were directed solely to a product and to a method of use of that product, the claims met the unity of invention requirement as applied by 37 CFR § 1.475.

On May 27, 2010, the examiner acknowledged the election of Group I, claims 14-20; further considered the traversal and found applicant's arguments non-persuasive and made the restriction requirement FINAL. A first Office action on the merits was also mailed as a part of this same communication, in which the elected claims were rejected under 35 USC § 102(b) and 103(a).

On August 30, 2010, applicants filed Petition requesting reconsideration of the unity of invention requirement.

DISCUSSION

The application, file history, and petition filed on August 30, 2010 under 37 C.F.R. 1.181, to request review of the restriction requirement has been considered.

Unity of invention is applicable to national state applications submitted under 35 USC 371. See, MPEP 1893.03(d). During the national stage, a designated or elected Office will follow PCT Rules 13.1 and 13.2 when considering unity of invention of the claims.

PCT Rule 13.1 states:

> The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention").

PCT Rule 13.2 states:

> Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

The examiner set forth the Lack of Unity requirement as follows:

Group I, claim(s) 14-20, drawn to a composition comprising fulvic acid as an active ingredient therein.

Group II, claim(s) 21 and 22, drawn to a method for inhibiting the onset of a type 1 allergy in a human via administering fulvic acid thereto.

As indicated in both the Lack of Unity requirement of January 2010 and in the Office action of May 2010, the groups were identified as lacking unity of invention because the common technical feature failed to provide a contribution over the prior art.

Applicant asserts that such a restriction is not permitted by 37 CFR 1.475(b), which requires, in part, that:

An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:

(2) A product and process of use of said product.

Although 37 CFR 1.475(b)(2) indicates that a national stage application containing claims to different categories of invention will be considered to have unity if the claims are drawn to a product and a process specially adapted for the manufacture of said product, this illustration is only an "interpretation of and not an exception to the requirements of PCT Rule 13.1". MPEP § 1850, item III, second full paragraph. Examples are set out in Chapter 10 of the International Search and Preliminary Examination Guidelines. Paragraph 10.21 (Example 1) of the Guidelines clearly indicates that if the claimed substance is the common technical feature of the product and the process, and if that product is known in the art, then unity is lacking.

10.20 The application of the principles of unity of invention is illustrated by the following examples for guidance in particular cases.

Claims in Different Categories

10.21 *Example 1*

Claim 1: A method of manufacturing chemical substance X.
Claim 2: Substance X.
Claim 3: The (method of) use of substance X as an insecticide.
Unity exists between claims 1, 2 and 3. The special technical feature common to all the claims is substance X. However, if substance X is known in the art, unity would be lacking because there would not be a special technical feature common to all the claims.

The example indicates that unity is lacking even though the claims are limited to one of the combinations of claims directed to different categories as identified in 37 CFR 1.475(b).

In view of the above discussion and of the examiner's presentation of art demonstrating that the claimed product was known, and thus that the product is not a special technical feature of the various inventive groups, unity is lacking among the presently presented groups of inventions.

Per ISPE Guidelines 20.09, a holding of lack of unity should be re-considered throughout prosecution. Should the shared technical feature become free of the prior art, the lack of unity should be withdrawn per PCT Rule 13.2. Should all claims to the elected product become allowable, the first method of making the product and the first method of using the product should be considered for rejoinder per MPEP 821.04(b).

DECISION

For these reasons above, the petition under 37 C.F.R. 1.181 is **DENIED**.

The period of reply set forth in the Office action mailed on May 27, 2010 continues to run.

Should there be any questions regarding this decision, please contact Supervisory Patent Examiner Zachariah Lucas, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 703-872-9306.

Jacqueline M. Stone

Jacqueline M. Stone
Director, 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
www.uspto.gov

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

MAILED

AUG 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Toshihiko Fujikawa, et al.	:	
Application No. 11/885,226	:	DECISION GRANTING PETITION
Filed: August 28, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2007_1280A	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 6, 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 regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1637 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW
April M. Wise
Petitions Examiner
Office of Petitions

---

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ____

DATE : 12/1/10

TO SPE OF : ART UNIT 3754

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/885251 Patent No.: 7770761 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: ____

Kevin P. Shaver 3754

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BASELL USA INC.
NEWTOWN SQUARE CENTER
3801 WEST CHESTER PIKE, BLDG. B
NEWTOWN SQUARE, PA 19073

MAILED

OCT 20 2010

OFFICE OF PETITIONS

In re Application of :
Joachim Berthold, et al. :
Application No. 11/885,356 :
Filed: August 30, 2007 :
Attorney Docket No.: FR 6242 (US) :

DECISION ON PETITION

This is a decision on the communication, filed July 26, 2010, 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 **DISMISSED**.

This application was held abandoned for failure to timely respond to the Office action of January 7, 2010, which set a two (3) month period for reply. Accordingly, a reply was due on or before April 7, 2010.

Petitioner states that a timely reply was mailed via certificate of transmission on April 7, 2010, which included an Amendment and a Power of Attorney. Petitioner has submitted a copy of the previously transmitted correspondence, which bears a certificate of transmission dated April 7, 2010.

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 does not comply with item (3), inasmuch as petitioner's statement is not accompanied by a copy of the sending unit's report confirming transmission. Consequently, the petition cannot be granted at this time.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the requisite petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be 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]

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

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)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DILWORTH IP, LLC
2 CORPORATE DRIVE, SUITE 206
TRUMBULL, CT 06611

MAILED
FEB 03 2011
OFFICE OF PETITIONS

In re Application of :
Joachim Berthold, et al. :
Application No. 11/885,356 : ON PETITION
Filed: August 30, 2007 :
Attorney Docket No.: 124-302USFR6242 :

This is a decision on the renewed petition, filed December 8, 2010, requesting withdrawal of the holding of abandonment in the above-identified application under the provisions of 37 CFR 1.8(b).

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of January 7, 2010, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on July 21, 2010. On July 26, 2010, a petition to withdraw the holding of abandonment was filed; however, the petition was dismissed in a decision mailed October 20, 2010. On December 8, 2010, the present petition was filed, including a copy of the sending unit's report confirming transmission on April 7, 2010.

On reconsideration, the petition satisfies the above requirements of 37 CFR 1.8(b) in that petitioner has (1) promptly informed the Office of the previous transmission of the reply, (2) supplied an additional copy of the previously transmitted correspondence and certificate, and (3) provided a copy of the sending unit's report confirming transmission on April 7, 2010.

Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of January 7, 2010 is hereby withdrawn and the application restored to pending status.

The copy of the reply received on July 26, 2010 will be accepted in place of the reply shown to have been transmitted on April 7, 2010.

This application is being referred to Technology Center AU 1796 for appropriate action in the normal course of business on the reply received.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 08-23-11

TO SPE OF : ART UNIT 1774

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/885466 Patent No.: 7910056

CofC mailroom date: 09-13-11

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

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 /Walter D. Griffin/ **Art Unit** 1774

UNITED STATES 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 September 23, 2011

Patent No. :7910056
Ser. No. :11885466
Inventor(s) : Serguei Ivanine et al
Issued :March 22, 2011
Title :DENTAL COMPOSITION CONTAINING SI-H FUNCTIONAL CARBOSILANE
:COMPONENTS

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

Joseph M. Lafata
Harness, Dickey & Pierce, P.L.C.
P.O.Box 826
Bloomfield Hils, MI 48303

/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

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

MAILED

DEC 05 2011

OFFICE OF PETITIONS

In re Patent No. 7,910,056 :
Issue Date: 03/22/2011 :
Application No. 11/885,466 : ON PETITION
Filed: 12/06/2007 :
Attorney Docket No. 8506-000001/US/NP :

This is a decision on the petition under 37 CFR 3.81(b) filed November 18, 2011.

Patentees request correction of the front page of the Letters Patent to include the correct assignee data via Certificate of Correction. With the present request, patentees submitted a completed Certificate of Correction form and paid the requisite fees. Furthermore, it is noted that the assignment was recorded with the USPTO prior to the issuance of the patent.

In view of the above, the request under 37 CFR 3.81(b) to correct the assignee data is GRANTED.

The $130.00 processing fee set forth in 37 CFR 1.17(i) will be charged to the Deposit Account as authorized.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction as to the assignment information.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/20/11

TO SPE OF : ART UNIT 2834

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/885,712 Patent No. 7,893,583

CofC mailroom date 4/15/11

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.

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

Comments: _____

/Quyen Leung/ 2834
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 15, 2010
Serial no. : 11/885719
Patent No. :7,795.876 B2
Patent Issued : Septermber 14, 2010
Inventor(s) : Daniel Wetzig, et al.
Title :COLD CATHODE PRESSURE SENSOR

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(s) noted in your request, no claim number is given. In view of the foregoing your request is hereby denied.

Magdalene Talley
For Mary F. Diggs, Supervisor
Decision and Certificate
Of Correction Branch
(571)272-0423

George S. Blasiak
Marjama Muldoon
Blasiak & Sullivan LLP
250 South Clinton St., Ste. 300
Syracuse, NY 13202

MD/mt

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : November 8, 2010

TO SPE OF : ART UNIT 2831

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/885719 Patent No.: 7795876

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Magdalene Talley

_____
Certificates of Correction Branch
(571)272-0XXX

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

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

Comments: No claim number is given.

Formatted: Indent: Left: 88 pt

UNITED STATES 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

OCT 12 2010

PCT LEGAL ADMINISTRATION

Moxon & Associates LLC
Liberty Square Building
110 West Streetsboro Road
Suites L9, L11 & L12
Hudson OH 44236

In re Application of
WILLIAMS, Neal St. John
Application No.: 11/885,732
Int. Application No.: PCT/EP2007/002614
Int. Filing Date: 23 March 2007
Priority Date: 31 March 2006
Attorney Docket No.: 106372.0033 (51195)
For: PAINT COMPOSITIONS

DECISION ON PETITION
UNDER
37 CFR 1.137(a)

This decision is issued in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unavoidably under 37 CFR 1.137(a)" filed in the United States Patent and Trademark Office on 17 June 2010.

BACKGROUND

On 23 March 2007, applicant filed international application PCT/EP2007/002614 which claimed a priority date of 31 March 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 01 October 2008.

On 05 September 2007, applicant filed a request for entry into the national stage in the United States under 35 U.S.C. 371.

On 09 July 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned with respect to the United States for failure to timely pay the basic national fee. Specifically, the Notification stated that the agent signing the submission was not authorized to make charges against the identified Deposit Account, therefore precluding collection of the basic national fee.

On 17 June 2010, applicant submitted a "Petition for Revival of an Application for Patent Abandoned Unavoidably under 37 CFR 1.137(a)."

DECISION

A grantable petition pursuant to 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the requisite petition fee; (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 1.20(d)) required pursuant to 37 CFR 1.137(c). Applicant has satisfied Item (1) and (2). Item (4) is not applicable.

Regarding item (1), the "required reply," section 711.03(c) of the Manual of Patent Examining Procedures states that:

> [g]enerally, the required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed.

Here, the "required reply" is the payment of the basic national fee. The Petition For Revival filed on 17 June 2010 was accompanied by a payment of the basic national fee. Thus, applicant has made a submission which would have been "sufficient to have avoided abandonment" had it been made in a timely manner, that is, on or before 01 October 2008. Accordingly, applicant has submitted the "required reply." Item (1) is satisfied.

As to Item (2), the appropriate petition fee has been submitted.

With regards to item (3), petitioner has not provided an acceptable showing that the delay was unavoidable. Applicant argues in their petition that the failure to timely submit the basic national fee was unavoidable due to "the attorney who filed the application was not listed with the PTO as a user authorized to use the Applicant's Deposit Account number . . . or there was some miscommunication about the authorization regarding the use of the Deposit Account." Petitioner's statement has been reviewed, however, the explanation is insufficient to satisfy the stringent standards applied to "unavoidable" abandonments. Specifically, unavoidable delay is present only where petitioner and those acting for petitioner take all actions necessary to continue the prosecution of an application, but through the intervention of unforeseen circumstances, a required action is not timely taken. The actions and circumstances described in this petition, however, do not reflect the "care or diligence that is generally used and observed by prudent and careful men in relation to their most important business." Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

A petition to revive an application under 37 CFR 1.137(a) cannot be granted where a petitioner has failed to meet his burden of establishing unavoidable delay within the meaning of 37 CFR 1.137(a) and 35 U.S.C. 133. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (N.D. Ind. 1987). Therefore, since applicant has not satisfied item (3) above, the granting of the petition under 37 CFR 1.137(a) for revival based on unavoidable delay would not be proper.

RECOMMENDATION

Applicant may wish to consider filing a petition to the Commissioner under 37 CFR 1.137(b) requesting that the application be revived. Any petition filed under 37 CFR 1.137(b) requesting that the application be revived must meet the criteria indicated 37 CFR 1.137.

CONCLUSION

The petition under 37 CFR 1.137(a) is **DISMISSED** without prejudice and the above-identified national stage application remains **ABANDONED**.

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 (a)." 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.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (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

DEC 20 2010

PCT LEGAL ADMINISTRATION

Moxon & Associates LLC
Liberty Square Building
110 West Streetsboro Road
Suites L9, L11 & L12
Hudson OH 44236

In re Application of
WILLIAMS, Neal St. John
Application No.: 11/885,732
Int. Application No.: PCT/EP2007/002614
Int. Filing Date: 23 March 2007
Priority Date: 31 March 2006
Attorney Docket No.: 106372.0033 (51195)
For: PAINT COMPOSITIONS

DECISION ON PETITION
UNDER
37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 06 December 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' 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 applicants have submitted the required reply (petition to revive the international application) 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 forwarded to the United States Designated/Elected Office (US/DO/EO) for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (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

MAIL

SEP 02 2010
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of	:	
SALONEN, JUKKA	:	DECISION ON REQUEST TO
Application No. 11/885,748	:	PARTICIPATE IN PATENT
Filed: June 11, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 0365-0715PUS1	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 02, 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 NBPR;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the NBPR 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 NBPR 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 NBPR 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 NBPR examiner in the NBPR 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 Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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.
11/885,748	06/11/2008	Jukka Salonen	0365-0715PUS1	8463

2292 7590 10/01/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
KUNTZ, CURTIS A

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
10/01/2010	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):

mailroom@bskb.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

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

MAIL

OCT 01 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Salonen, Jukka
Serial No.: 11/885,748
Filed: June 11, 2008
For: **METHOD AND SYSTEM FOR THE MASS SENDING OF MESSAGES**

DECISION ON PETITION
ACCEPTANCE OF COLOR PHOTOGRAPHS

This is a decision on the petition under filed September 6, 2007, requesting acceptance colored drawings.

The petition requests that the color drawings identified in Figures 1, 2 and 3 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
Special Program Examiner
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 : November 18,2011

In re Application of :

Klaus Kuhlgatz

Application No : 11885790

Filed : 01-Mar-2008

Attorney Docket No : KLG-001

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 18,2011

The request is **APPROVED.**

The request was signed by Darien K. Wallace (registration no. 53736) on behalf of all attorneys/agents associated with Customer Number 47713 . All attorneys/agents associated with Cusotmer Number 47713 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 Klaus Kuhlgatz

Name2

Address 1 Heidenkopferdell 85

Address 2

City Saarbrucken

State

Postal Code 66123

Country DE

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

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

Office of Petitions

Doc Code: PET.AUTO **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	11885790
Filing Date	01-Mar-2008
First Named Inventor	Klaus Kuhlgatz
Art Unit	3664
Examiner Name	STEPHEN HOLWERDA
Attorney Docket Number	KLG-001
Title	System and Method for Total Management of Ships

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 47713

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

10.40(c)(1)(iv)

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	Klaus Kuhlgatz
Address	Heidenkopferdell 85
City	Saarbrucken
State	
Postal Code	66123
Country	DE

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Darien K Wallace/
Name	Darien K. Wallace
Registration Number	53736

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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	:	
Kenneth W. CARPENTER et al.	:	
Application No. 11/885,791	:	DECISION ON PETITION
Filed: May 29, 2008	:	TO WITHDRAW
Attorney Docket No. **MEDIV2030-4**	:	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

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

ROBERT D. SHEDD, PATENT OPERATIONS
THOMSON LICENSING LLC
P.O. BOX 5312
PRINCETON NJ 08543-5312

MAILED

MAR 22 2011

OFFICE OF PETITIONS

In re Application of	:	
Liu et al.	:	
Application No. 11/885,838	:	DECISION ON PETITION
Filed: September 7, 2007	:	
Attorney Docket No. PU050034	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 23, 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 September 24, 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.

Further, although the petition is signed by a registered patent attorney/agent it does not set forth a USPTO registration number. Petitioner should note that all documents submitted before the United States Patent and Trademark Office by a registered patent attorney/agent must contain his/her registration number. However, the accompanying document does include the signature and registration number for Catherine A. Cooper. Therefore, the petition is accepted as being properly signed.

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

This application is being referred to Technology Center AU 2474 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
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.
11/885,872	09/07/2007	Nobuaki Miki	MIKI3002	8824

23364 7590 03/31/2011
BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

EXAMINER
MEYER, KATY E

ART UNIT	PAPER NUMBER
3618	

MAIL DATE	DELIVERY MODE
03/31/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAR 3 1 2011

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

In re Application of: Nobuaki MIKI et al.	: **DECISION ON PETITION**
Appl. No. 11/885,872	: **TO REVIEW RESTRICTION**
Filed: September 7, 2007	: **REQUIREMENT**
For: VEHICLE	: **UNDER 37 CFR 1.144**

This is a decision on applicant's petition under 37 CFR 1.144 filed on August 30, 2010 to review the examiner's election of species requirement made in the Office action mailed on April 27, 2010 and requesting that the election of species requirement be withdrawn.

The petition is **DENIED.**

A review of the record indicates that the examiner required an election of species between species A shown in Figures 1-6, species B shown in Figures 7-8), species C shown in Figures 9-15, species D shown in Figures 17-21 and species E shown in Figures 23-27 in the Office action mailed on April 27, 2010. On May 27, 2010, applicant elected with traverse to prosecute species B (claims 1-3, 8-11, 16, 19 and 23); and requested reconsideration of the election of species requirement. In the non-final Office action mailed on July 30, 2010, the examiner acknowledged the election and applicant's traversal of the requirement, and withdrew claims 4-7, 12-15, 17, 18, 20-22 and 24 as being drawn to a nonelected species. The examiner also acknowledged applicant's traversal of the requirement but did not answer any of the arguments presented in the traversal. On August 30, 2010 applicant timely filed this petition to withdraw the restriction requirement. In the final Office action mailed on February 14, 2011 the examiner responded to the traversal grounds and made the restriction requirement final.

Applicant contends that the election of species requirement between species A, B, C, D and E is improper because all of the species A-E share a special technical feature of a moveable balancer indicative of unity of invention. Applicant also argues that the cited reference to Tokamaru et al. discloses a moveable balancer but in a 4-wheel vehicle while all of species A-E claim a movable balancer in 2-wheel vehicles.

> MPEP §1893.03(d) on Unity of Invention states that "The basic principle is that an application should relate to only one invention or, if there is more than one invention, that applicant would have a right to include in a single application only those inventions which are so linked as to form a single general inventive concept. A group

> of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression special technical features is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art." See also MPEP § 1850 and PCT Rule 13. 2.

After a review of the record, it is agreed that each of the species A-E does show a common technical feature of a moveable balancer. However, in the final Office action mailed on February 14, 2011, the examiner indicated that the moveable balancer is found in the U.S. patent publication US 2003/0184071 to Tokamaru et al. Since the special technical feature is defined as a moveable balancer and this feature is known in the prior art, there is a lack of unity of invention between species A-E as specified in MPEP §1893.03(d). With regard to applicant's argument that Tokamaru et al. disclosed a moveable balancer in a 4-wheel vehicle while species A-E claim a moveable balancer in a 2-wheel vehicles. This argument is not persuasive as the claims 1-24 at the time of the restriction was made (on April 27, 2010) did not specify 2-wheel vehicles, and since at least species E has multiple balancers that could be used on multiple wheels, there was no evidence presented in the application that the invention cannot be utilized in vehicles other than 2-wheel vehicles.

In view of the findings noted above, the restriction requirement with regards to claims 1-25 is maintained and claims 4-8, 12-15, 17, 18, 20-22 and 24 remain withdrawn as being directed to a non-elected species.

Any questions regarding this decision should be directed to Quality Assurance Specialist Lanna Mai at (571) 272-6867.

Dave Talbott, Director
Technology Center 3600
(571) 272-5250

lm : 3/7/2011
LM

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

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

Mail Date: 08/04/2010

Applicant	: Kenji Uezono	: DECISION ON REQUEST FOR
Patent Number	: 7637101	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/885,955	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/10/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **289** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 04/09/12

TO SPE OF : ART UNIT: 1776 Attn: SMITH DUANE (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/886020 Patent No.: 7934703

CofC mailroom date: 03/19/2012

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 data under Foreign Patent Documents
Should this data on the PTO/SB/44 Form
be deleted as requested 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.

X **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

/Duane Smith/
1776
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

February 8, 2011

Gregory A. Stobbs
Harness, Dickey & Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303

Patent No.	: 7,821,365 B2
Ser. No.	: 11/886,081
Inventor(s)	: Haruhiro Komura, et al.
Issued	: October 26, 2010
Docket No.	: 3557G-000090/NP
Title	: **PERMANENT MAGNET MAGNETIZING APPARATUS AND PERMANENT MAGNET MAGNETIZING METHOD**

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

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

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

MAILED

MAY 27 2011

OFFICE OF PETITIONS

In re Patent No. 7,821,365	:	
Issue Date: October 26, 2010	:	
Application No. 11/886,081	:	DECISION ON PETITION
Filed: October 15, 2007	:	
Attorney Docket No. 3557G-000090/US/NP	:	

This is a decision on the petition, filed March 09, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **DISMISSED**.

Petitioner states that the correct assignee's name is "Minebea Co., Ltd., Nagano (JP)" and that an incorrect assignee's name was included on the Part B - Fee(s) Transmittal form at the time of payment of the issue fee. Accordingly, petitioner requests that the patent issue to "Minebea Co., Ltd., Nagano (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.

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

The request under 37 CFR 3.81(b) was accompanied by a request for a certificate of correction, but the $100.00 certificate correction fee) was not provided as required by 3.81(b). *See also* MPEP 1481.01. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

A review of Office database assignment records reflects that an assignment to "Minebea Co. Ltd., Nagano (FP)" has been recorded. Therefore, upon submission of the required certificate of correction fee of $100.00, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that "Minebea Co. Ltd., Nagano (FP)" was the assignee of record at the time of issuance of the application into a patent. *Note also* 35 U.S.C. § 152.

In view of the above and **after issuance of this application into a patent, the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction fee which sets forth "Minebea Co. Ltd., Nagano (FP)", as the assignee.** *No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in this request. A copy of this decision* ***must*** *accompany the request for a Certificate of Correction.*

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in this request, since this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231. Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

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

MAILED
JUL 18 2011
OFFICE OF PETITIONS

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Patent No. 7,821,365	:	
Issue Date: October 26, 2010	:	
Application No. 11/886,081	:	DECISION ON PETITION
Filed: October 15, 2007	:	
Attorney Docket No. 3557G-000090/US/NP	:	

This is a decision on the renewed petition, filed June 09, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **GRANTED**.

Petitioner states that the correct assignee's name is to "Minebea Co., Ltd., Nagano (FP)"and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

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

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that to "Minebea Co., Ltd., Nagano (FP)", is the assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

Inquiries concerning this decision should be directed to the Michelle R. Eason at (571) 272-4231. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

24 SEP 2010

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

In re Application of:	:	
SHEPHERD, Andrew	:	DECISION ON PETITION
U.S. Application No. 11/886,094	:	(37 CFR 1.78)
PCT No.: PCT/EP2006/060593	:	
International Filing Date: 09 March 2006	:	
Priority Date: 12 March 2005	:	
Attorney Docket No.: 2004PO4513WOUS	:	

This decision is issued in response to the "Petition To Accept Unintentionally Delayed Priority Claim" filed 04 August 2010, considered herein under 37 CFR 1.78(a)(3). The petition seeks to add an unintentionally delayed benefit claim under 35 U.S.C. 120 directed to a prior-filed U.S. non-provisional application.

The petition is **DISMISSED** without prejudice

A petition under 37 CFR 1.78(a)(3) for acceptance of an unintentionally delayed benefit claim directed to a prior-filed U.S. non-provisional application is applicable where, as here, the later-filed application was filed on or after November 29, 2000 and an acceptable benefit claim was not submitted prior to the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). A grantable petition under 37 CFR 1.78(a)(3) must include the following:

1. the reference to the prior-filed application, as required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i), unless previously submitted;
2. the surcharge set forth in 37 CFR 1.17(t);
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 present petition fails to satisfy item (1), above.

With respect to item (1), the petition was accompanied by a proposed amendment requesting that the first sentence of the specification be amended to include a reference identifying the application as "a continuation-in-part of co-pending U.S. Application Serial No. 11/886,094, filed September 11, 2007." However, the present application is U.S. application no.

11/886,094, and an application cannot claim priority to itself. The proposed amendment is therefore defective as submitted.[1]

Moreover, on 09 June 2010, a final Office Action was mailed rejecting the claims, and the examiner has indicated that the proposed amendment submitted with the present petition would not be entered because the amendment raises new issues which would require further consideration and/or search. Therefore, since the amendment does not *prima facie* place the application in condition for allowance, petitioner must submit a request for continued examination (RCE) under the provisions of 37 CFR 1.114, or file an amendment that *prima facie* places the application in condition for allowance, or file a continuing application pursuant to the provisions of 37 CFR 1.53(b).

Any request for reconsideration of this petition must be accompanied by a cover letter entitled "Renewed Petition under 37 CFR 1.78(a)(3)" and must include the appropriate reply to continue prosecution of the instant application and a revised amendment containing an acceptable reference to the correct prior-filed U.S. application.

The application is being referred to the examiner for appropriate treatment of the amendment filed with the present petition.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Tel.: (571) 272-3296

[1] It is noted that the body of the petition refers to a different prior-filed U.S. application, 10/559,862.

UNITED STATES 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
18 NOV 2010
PCT LEGAL ADMINISTRATION

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

In re Application of:
SHEPHERD, Andrew
Application No.: 11/886,094
PCT No.: PCT/EP2006/060593
International Filing Date: 09 March 2006
Priority Date: 12 March 2005
Attorney Docket No.: 2004PO4513WOUS

DECISION ON RENEWED PETITION
(37 CFR 1.78)

This decision is issued in response to the "Renewed Petition To Accept Unintentionally Delayed Priority Claim" filed 07 October 2010. The petition seeks to add to the present application an unintentionally delayed priority claim directed to prior-filed U.S. application 10/559,862.

For the reasons discussed below, the renewed petition is **DISMISSED** without prejudice.

As set forth in the decision mailed 24 September 2010, a grantable petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference to the prior-filed application required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i), unless previously submitted;
(2) the surcharge set forth in 37 CFR 1.17; 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 previous decision indicated that applicant had failed to satisfy item (1) of a grantable petition because the amendment filed with the petition did not include an acceptable reference to a prior-filed application. The present petition was accompanied by a revised amendment to the first sentence of the specification which includes the required reference identifying the present application as a continuation in part of U.S. application 10/559,862. However, the amendment is unacceptable as filed because it states that all the applications listed in the first paragraph, including U.S. application number 10/559,862, are each "incorporated by reference herein in their entirety." As set forth in MPEP section 201.06(c)(IV):

> 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 Indus. v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980).

Here, the application as filed did not include an incorporation by reference statement with respect to U.S. application 10/559,862.; thus, the inclusion in the present amendment of an incorporation by reference statement directed to such application is improper.

Based on the above, the reference to prior-filed U.S. application 10/559,862 contained in the amendment filed with the present petition is not acceptable as filed. Item (1) of a grantable petition under 37 CFR 1.78(a)(3) therefore remains unsatisfied on the present record.

Before the petition under 37 CFR 1.78(a)(3) may be granted, applicants must submit a renewed petition accompanied by an acceptable substitute amendment (or ADS) containing a proper benefit claim reference directed to the prior-filed U.S. application. 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.

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

JAN 13 2011

PCT LEGAL ADMINISTRATION

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

In re Application of:
SHEPHERD, Andrew
Application No.: 11/886,094
PCT No.: PCT/EP2006/060593
International Filing Date: 09 March 2006
Priority Date: 12 March 2005
Attorney Docket No.: 2004PO4513WOUS

DECISION ON SECOND RENEWED PETITION (37 CFR 1.78)

This decision is issued in response to the second "Renewed Petition To Accept Unintentionally Delayed Priority Claim" filed 30 November 2010. The petition seeks to add to the present application an unintentionally delayed priority claim directed to prior-filed U.S. application 10/559,862.

For the reasons discussed below, the renewed petition is **GRANTED**.

The decision mailed 18 November 2010 dismissed without prejudice applicant's first renewed petition under 37 CFR 1.78(a)(3) because applicants had not submitted an acceptable reference to the prior-filed international application. Specifically, the amendment filed by applicant with the previous petition included an incorporation by reference statement improperly directed to the prior-filed application that is the subject of the present petition, U.S. application 10/559,862 directed. The present renewed petition was accompanied by a revised amendment to the first sentence of the description that contains an acceptable reference identifying the present application as a continuation-in-part of U.S. application 10/559,862 and does not include the improper incorporation by reference statement contained in the previous amendment.

The present submission satisfies the final outstanding requirement of a grantable petition under 37 CFR 1.78(a)(3) to add an unintentionally delayed benefit claim directed to the prior-filed U.S. application. Applicants' petition is therefore appropriately granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should <u>not</u> be construed as meaning that this application is entitled to the benefit of the filing date 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 Filing Receipt accompanying this decision on petition will include the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior filed application noted thereon. Accordingly, the examiner will,

in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claims directed to U.S. application 10/559,862 accompanies this decision on petition.

Any questions concerning this decision may be directed to the undersigned. All other inquiries concerning either the examination procedures or status of the application should be directed to Group Art Unit 3656.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

NOV 02 2010

OFFICE OF PETITIONS

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

In re Application of	:	
Arkwright et al.	:	DECISION ON PETITION
Application No. 11/886,099	:	TO WITHDRAW
Filed: March 20, 2008	:	FROM RECORD
Attorney Docket No. 14310/12	:	

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 September 30, 2010.

The request is **NOT APPROVED**.

The Office no longer accepts address changes to a new practitioner or law firm filed with requests under 37 C.F.R. § 1.36(b). 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.*

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 are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
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 PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

Application No:	11/886,100	Filing date:	October 12, 2007
First Named Inventor:	N. Sandor RACZ		
Title of the Invention:	CATHETER CONNECTION HUB		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2006/008917

The international date of the corresponding PCT application(s) is/are: March 10, 2006

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). 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 2 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.

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 PARTICIPATION IN THE PCT-PPH PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA (continued)

Application No.:	11/886,100
First Named Inventor:	N. Sandor RACZ

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on 09/10/07; 10/23/07; 12/19/07; 05/03/10; 10/12/10

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on 09/10/07; 10/23/07; 12/19/07; 05/03/10; 10/12/10

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	4	Claim 1 of the US application has been amended to include the subject matter of allowable claim 4 of the PCT application.
2	4, 5	Claims 2 and 5-9 depend from allowable claim 1. Claim 5 of the PCT application is separately allowable.
5	4, 5	Claims 2 and 5-9 depend from allowable claim 1. Claim 5 of the PCT application is separately allowable.
6	4, 5	Claims 2 and 5-9 depend from allowable claim 1. Claim 5 of the PCT application is separately allowable.
7	4, 5	Claims 2 and 5-9 depend from allowable claim 1. Claim 5 of the PCT application is separately allowable.
8	4, 5	Claims 2 and 5-9 depend from allowable claim 1. Claim 5 of the PCT application is separately allowable.
9	4, 5	Claims 2 and 5-9 depend from allowable claim 1. Claim 5 of the PCT application is separately allowable.
10	10-21	Claims 10-21 of the PCT application are allowable.
11	10-21	Claims 10-21 of the PCT application are allowable.
12	10-21	Claims 10-21 of the PCT application are allowable.
13	10-21	Claims 10-21 of the PCT application are allowable.
14	10-21	Claims 10-21 of the PCT application are allowable.
15	10-21	Claims 10-21 of the PCT application are allowable.
16	10-21	Claims 10-21 of the PCT application are allowable.
17	10-21	Claims 10-21 of the PCT application are allowable.
18	10-21	Claims 10-21 of the PCT application are allowable.
19	10-21	Claims 10-21 of the PCT application are allowable.
20	10-21	Claims 10-21 of the PCT application are allowable.
21	10-21	Claims 10-21 of the PCT application are allowable.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature Tyler S. Nield	Date March 25, 2011
Name (Print/Typed) Tyler S. Nield	Registration Number 63,287

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.
11/886,100	10/12/2007	N. Sandor Racz	2102-7696US	3389

24247 7590 03/29/2011
TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

EXAMINER
DESANTO, MATTHEW F

ART UNIT	PAPER NUMBER
3763	

NOTIFICATION DATE	DELIVERY MODE
03/29/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOMail@traskbritt.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

TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
RACZ, N. SANDOR et al	:	DECISION ON REQUEST TO
Application No. 11/886,100	:	PARTICIPATE IN PATENT
Filed: Oct. 12, 2007	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 2102-7696US	:	PROGRAM AND PETITION
For: CATHETER CONNECTION HUB	:	37 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 March 17, 2011 to make the above-identified application special.

The request and petition are dismissed.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) 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 PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application 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 PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Items #5 and #6 above.

In the petition, a copy of PCT application, PCT/US2006/008917 is in the file. However, there is not search opinion showing PCT claims 4-5 and 10-21 complying with novelty, industrial applicability and inventive steps. The request to participate in the PPH pilot program and petition fail to include a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER); a copy of the latest international work product from the PCT application showing claims 4-5 and 10-21 are allowable. IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **dismissed.**

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
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 PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

Application No:	11/886,100	Filing date:	October 12, 2007
First Named Inventor:	N. Sandor RACZ		
Title of the Invention:	CATHETER CONNECTION HUB		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2006/008917

The international date of the corresponding PCT application(s) is/are: March 10, 2006

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [ ] Is attached.
- [x] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). 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 2 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.

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 PARTICIPATION IN THE PCT-PPH PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA (continued)

Application No.:	11/886,100
First Named Inventor:	N. Sandor RACZ

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

[■] Is attached

[ ] Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

[■] Are attached.

[ ] Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	4	Claim 1 of the US application has been amended to include the subject matter of allowable claim 4 of the PCT application.
2	4, 5	Claims 2 and 5-9 depend from allowable claim 1. Claim 5 of the PCT application is separately allowable.
5	4, 5	Claims 2 and 5-9 depend from allowable claim 1. Claim 5 of the PCT application is separately allowable.
6	4, 5	Claims 2 and 5-9 depend from allowable claim 1. Claim 5 of the PCT application is separately allowable.
7	4, 5	Claims 2 and 5-9 depend from allowable claim 1. Claim 5 of the PCT application is separately allowable.
8	4, 5	Claims 2 and 5-9 depend from allowable claim 1. Claim 5 of the PCT application is separately allowable.
9	4, 5	Claims 2 and 5-9 depend from allowable claim 1. Claim 5 of the PCT application is separately allowable.
10	10-21	Claims 10-21 of the PCT application are allowable.
11	10-21	Claims 10-21 of the PCT application are allowable.
12	10-21	Claims 10-21 of the PCT application are allowable.
13	10-21	Claims 10-21 of the PCT application are allowable.
14	10-21	Claims 10-21 of the PCT application are allowable.
15	10-21	Claims 10-21 of the PCT application are allowable.
16	10-21	Claims 10-21 of the PCT application are allowable.
17	10-21	Claims 10-21 of the PCT application are allowable.
18	10-21	Claims 10-21 of the PCT application are allowable.
19	10-21	Claims 10-21 of the PCT application are allowable.
20	10-21	Claims 10-21 of the PCT application are allowable.
21	10-21	Claims 10-21 of the PCT application are allowable.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature Tyler S. Nield	Date April 5, 2011
Name (Print/Typed) Tyler S. Nield	Registration Number 63,287

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.
11/886,100	10/12/2007	N. Sandor Racz	2102-7696US	3389

24247 7590 04/07/2011
TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

EXAMINER
DESANTO, MATTHEW F

ART UNIT	PAPER NUMBER
3763	

NOTIFICATION DATE	DELIVERY MODE
04/07/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOMail@traskbritt.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

TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
RACZ, N. SANDOR et al	:	DECISION ON REQUEST TO
Application No. 11/886,100	:	PARTICIPATE IN PATENT
Filed: Oct. 12, 2007	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 2102-7696US	:	PROGRAM AND PETITION
For: CATHETER CONNECTION HUB	:	37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 29, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) 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 PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application 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 PCT examiner in the international work product 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.

Other inquiries concerning the examination or status of the application should be directed to Nick Lucchesi, the SPE of Art Unit 3763 at 571-272-4977 for Class 604/533 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The 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
www.uspto.gov

MAILED

NOV 02 2010

OFFICE OF PETITIONS

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

In re Application of	:	
Arkwright et al.	:	DECISION ON PETITION
Application No. 11/886,129	:	TO WITHDRAW
Filed: March 20, 2008	:	FROM RECORD
Attorney Docket No. 14310/11	:	

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 September 30, 2010.

The request is **NOT APPROVED**.

The Office no longer accepts address changes to a new practitioner or law firm filed with requests under 37 C.F.R. § 1.36(b). 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.*

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 are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A Kelley

Alicia Kelley
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

NOV 02 2010

OFFICE OF PETITIONS

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

In re Application of	:	
Arkwright et al.	:	DECISION ON PETITION
Application No. 11/886,131	:	TO WITHDRAW
Filed: May 16, 2008	:	FROM RECORD
Attorney Docket No. 14310/10	:	

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 September 30, 2010.

The request is **NOT APPROVED.**

The Office no longer accepts address changes to a new practitioner or law firm filed with requests under 37 C.F.R. § 1.36(b). 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.*

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 are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
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

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

MAILED
DEC 30 2010
OFFICE OF PETITIONS

In re Application of	:	
Arkwright et al.	:	DECISION ON PETITION
Application No. 11/886,131	:	TO WITHDRAW
Filed: May 16, 2008	:	FROM RECORD
Attorney Docket No. 14310/10	:	

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 December 6, 2010.

The request is **APPROVED**.

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

The request was signed by Michelle M. Carniaux on behalf of all the practitioners of record associated with Customer Number 26646.

All attorneys/agents associated with Customer Number 26646 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 November 9, 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

cc: COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION
LIMESTONE AVENUE
CAMPBELL, CAPITAL TERRITORY 2612 AUSTRALIA

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
11/886,131	05/16/2008	John William Arkwright	14310/10

CONFIRMATION NO. 3427

POWER OF ATTORNEY NOTICE

26646
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

OC000000045200887

Date Mailed: 12/29/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/06/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

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

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, VA 22313-1450

September 7, 2010

Patent No.: 7,553,796 B2
Applicant : Satoshi Yamamoto, et al.
Issued : June 30, 2009
For : **PHENOL COMPOUND, REVERSIBLE THERMOSENSITIVE RECORDING MEDIUM, REVERSIBLE THERMOSENSITIVE RECORDING LABEL, REVERSIBLE THERMOSENSITIVE RECORDING MEMBER, IMAGE-PROCESSING APPARATUS AND IMAGE-PROCESSING METHOD**

Re: 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 Rules 1.322.

It is the practice to exclude words such as "A", "IMPROVED", "IMPROVEMENTS IN," "NEW", or "NOVEL" as the first word in the title of the invention. Therefore, no correction is in order here under Rule 1.322 or 1.323.

In view of the foregoing, the request to amend the title should have been denied

Further correspondence concerning this matter should be filed and directed to Decisions and Certificates of Correction Branch.

Antonio Johnson
(571)272-0483
For Mary F. Diggs, Supervisor
Decisions & Certificates of Correction Branch
(703) 756-1580

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

UNITED STATES 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 : December 21, 2011
Serial No. : 11/886210
Patent No. : 8,063,093B2
Patent Issued :November 22, 2011
Inventor(s) Andrew J. Harvey, et al.
Title :POTASSIUM CHANNEL BLOCKERS AND USES THEREOF

Request for Certificate of Correction

Respecting the alleged error(s) noted in your request: the changes to the titles, such expressions as "Improvements in, "new," "new and improved," and "novel "are deleted from titles of invention in accordance to the *GPO Style Manual.*

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

Magdalene Talley
For Mary Diggs, Supervisor
Decisions and Certificate
Of Correction Branch
(703)756-1540
FAX 571-270-9942

Scully, Scot, Murphyt & Presser, P.C.
400 Garden City Plaza
Garden City, NY 11530

MD/mt

UNITED STATES 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. : **7869600**
Ser. No. **11/886256**
Inventor(s) : **FUSE, MASARU**
Issued : **01/11/2011**
Title : **OPTICAL TRANSMITTER AND TRANSMITTING METHOD FOR TRANSMITTING CRYPTOGRAM**
Docket No. : **2007_1503A**

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.

A Certificate of Correction will be issued for the remaining errors.

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

WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington DC 20005-1503

OL

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington DC 20005-1503

MAILED
MAY 26 2011
OFFICE OF PETITIONS

In re Patent No. 7,869,600	:	
Issue Date: January 11, 2011	:	
Application No. 11/886,256	:	DECISION ON PETITION
Filed: September 13, 2007	:	
Attorney Docket No. 2007_1503A	:	

This is a decision on the Petition Under 37 C.F.R. 3.81(B), filed March 23, 2011, to accept the omission of the second and third assignees' names. A completed Certificate of Correction Form (Modified 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 and third assignees' names 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 and third assignees' names 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 (Modified 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. 7,869,600.

Cheryl Gibson Baylor

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

MAILED

MAY 09 2011

PCT LEGAL ADMINISTRATION

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of	:	
KAESTLI et al.	:	
Application No.: 11/886,299	:	DECISION
PCT No.: PCT/EP2006/060600	:	
Int. Filing Date: 09 March 2006	:	
Priority Date: 15 March 2005	:	
Attorney Docket No.: 1454.1878	:	
For: DANGER WARNING SYSTEM AND	:	
METHOD FOR DETERMINING CONFIGURATION OF	:	
DANGER WARNING SYSTEM	:	

This decision is in response to applicants' "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR §1.181" filed in the United States Patent and Trademark Office (USPTO) on 15 March 2011. No petition fee is required.

BACKGROUND

On 09 March 2006, applicants filed international application PCT/EP2006/060600, which claimed a priority date of 15 March 2005 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 21 September 2006. The thirty-month period for paying the basic national fee in the United States expires at midnight on 17 September 2007 (15 September 2007 being a Saturday).

On 14 September 2007, applicants filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 17 December 2007, 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 in compliance with 37 CFR 1.497(a)-(b) was required.

On 08 March 2011, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond the NOTIFICATION OF MISSING REQUIREMENTS mailed 17 December 2007.

On 15 March 2011, applicants filed the instant petition under 37 CFR 1.181. The petition was accompanied by, *inter alia*, a copy of a declaration of inventors and a USPTO date-stamped postcard receipt.

DISCUSSION

Applicants have provided sufficient evidence to establish that on 19 February 2008 applicants filed a declaration of inventors. The proof is in the form of the copy of the receipt for the above-identified application which bears a USPTO date stamp of 19 February 2008 and which itemizes a "Declaration" and identifies the above-captioned title and attorney docket number. Further, practitioner states that the copy of the declaration filed 15 March 2011 is a copy of the declaration originally filed 19 February 2008. Therefore, in view of the date-stamped receipt and practitioner's statement, the declaration received on 15 March 2011 may properly be accepted as originally received in the USPTO on 19 February 2008. The NOTIFICATION OF ABANDONMENT mailed 08 March 2011 is hereby vacated.

The declaration of inventors filed 19 February 2008 is not sufficient because it is an improper composite declaration, consisting of one first page, one second page, and two third pages. Each inventor must be presented with a complete declaration which lists all of the inventors, and the signature of each inventor must appear on at least one complete declaration. **Multiple complete executed declarations may be submitted**, but it is not permissible to combine pages of separate documents. See also MPEP § 201.03, item II.B.

The declaration of inventors filed 19 February 2008 does indicate the correct inventive entity. The inventive entity is available in the PATENTSCOPE database on the WIPO website (http://www.wipo.int/pctdb/en/search-adv.jsp).

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

The NOTIFICATION OF ABANDONMENT mailed 08 March 2011 is **VACATED**.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

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.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

MJH

MAY 23 2011

Pet. w/draw aband. filed 3-15-11
Decl. Due: 7-9-1

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

MAY 09 2011

PCT LEGAL ADMINISTRATION

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

In re Application of	:	
KAESTLI et al.	:	
Application No.: 11/886,299	:	DECISION
PCT No.: PCT/EP2006/060600	:	
Int. Filing Date: 09 March 2006	:	
Priority Date: 15 March 2005	:	
Attorney Docket No.: 1454.1878	:	
For: DANGER WARNING SYSTEM AND	:	
METHOD FOR DETERMINING CONFIGURATION OF	:	
DANGER WARNING SYSTEM	:	

STAAS & HALSEY
RECEIVED
MAY 11 2011

This decision is in response to applicants' "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR §1.181" filed in the United States Patent and Trademark Office (USPTO) on 15 March 2011. No petition fee is required.

BACKGROUND

On 09 March 2006, applicants filed international application PCT/EP2006/060600, which claimed a priority date of 15 March 2005 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 21 September 2006. The thirty-month period for paying the basic national fee in the United States expires at midnight on 17 September 2007 (15 September 2007 being a Saturday).

On 14 September 2007, applicants filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 17 December 2007, 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 in compliance with 37 CFR 1.497(a)-(b) was required.

On 08 March 2011, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond the NOTIFICATION OF MISSING REQUIREMENTS mailed 17 December 2007.

On 15 March 2011, applicants filed the instant petition under 37 CFR 1.181. The petition was accompanied by, *inter alia*, a copy of a declaration of inventors and a USPTO date-stamped postcard receipt.

DISCUSSION

Applicants have provided sufficient evidence to establish that on 19 February 2008 applicants filed a declaration of inventors. The proof is in the form of the copy of the receipt for the above-identified application which bears a USPTO date stamp of 19 February 2008 and which itemizes a "Declaration" and identifies the above-captioned title and attorney docket number. Further, practitioner states that the copy of the declaration filed 15 March 2011 is a copy of the declaration originally filed 19 February 2008. Therefore, in view of the date-stamped receipt and practitioner's statement, the declaration received on 15 March 2011 may properly be accepted as originally received in the USPTO on 19 February 2008. The NOTIFICATION OF ABANDONMENT mailed 08 March 2011 is hereby vacated.

The declaration of inventors filed 19 February 2008 is not sufficient because it is an improper composite declaration, consisting of one first page, one second page, and two third pages. Each inventor must be presented with a complete declaration which lists all of the inventors, and the signature of each inventor must appear on at least one complete declaration. **Multiple complete executed declarations may be submitted**, but it is not permissible to combine pages of separate documents. See also MPEP § 201.03, item II.B.

The declaration of inventors filed 19 February 2008 does indicate the correct inventive entity. The inventive entity is available in the PATENTSCOPE database on the WIPO website (http://www.wipo.int/pctdb/en/search-adv.jsp).

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

The NOTIFICATION OF ABANDONMENT mailed 08 March 2011 is **VACATED**.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

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.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

OPAP IAP3 MAY 23 2011 PATENT & TRADEMARK OFFICE

This page is being phased out of production, but will remain available during the transition to our new system.
Please try the new PATENTSCOPE® International and National Collections search page (English only).

Search result: 1 of 1

(WO/2006/097430) METHOD FOR DETERMINING THE CONFIGURATION OF A DANGER WARNING SYSTEM, AND DANGER WARNING SYSTEM

Biblio. Data | Description | Claims | National Phase | Notices | Documents

Latest bibliographic data on file with the International Bureau

Pub. No.: WO/2006/097430 **International Application No.:** PCT/EP2006/060600
Publication Date: 21.09.2006 **International Filing Date:** 09.03.2006

IPC: ***G08B 26/00*** (2006.01), ***G08B 29/18*** (2006.01)

Applicants: **SIEMENS SCHWEIZ AG** [CH/CH]; Albisriederstrasse 245, CH-8047 Zürich (CH) *(All Except US)*.
KÄSTLI, Urs [CH/CH]; (CH) *(US Only)*.
LONTKA, Karen [US/US]; (US) *(US Only)*.

Inventors: **KÄSTLI, Urs**; (CH).
LONTKA, Karen; (US).

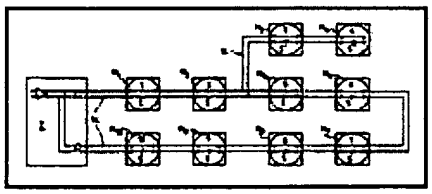
Common Representative: **SIEMENS SCHWEIZ AG**; Postfach 22 16 34, 80506 München (DE) .

Priority Data: 05005564.9 15.03.2005 EP

Title: (EN) METHOD FOR DETERMINING THE CONFIGURATION OF A DANGER WARNING SYSTEM, AND DANGER WARNING SYSTEM

(DE) VERFAHREN ZUR BESTIMMUNG DER KONFIGURATION EINER GEFAHRENMELDEANLAGE UND GEFAHRENMELDEANLAGE

Abstract: (EN) The invention relates to a danger warning system comprising a central station (Z) and appliances (M_n) which are connected thereto by means of a monitoring line (ML). Each appliance (M_n) comprises an insulator switch (S), an unequivocal identification number, and a communication address. In order to determine the configuration of the danger warning system, the appliances (M_n) that can be decoupled by means of the insulator switch (S) are sequentially started and announced to the central station (Z). In the event of simultaneous announcements of more than one appliance (M_n), only the announcement of one of said appliances (M_n) is accepted. During the announcement of appliances (M_n) at the central station (Z) with the communication addresses thereof, when appliances (M_n) with different communication addresses are simultaneous announced, the communication addresses are differed according to an arbitration method, and the two different communication addresses are sequentially registered. When appliances (M_n) with the same communication addresses are simultaneously announced, the collision of said same communication addresses is identified and resolved.



(DE) Eine Gefahrenmeldeanlage enthält eine Zentrale (Z) und an diese über eine Meldeleitung (ML) angeschlossene Geräte (M_n). Jedes Gerät (M_n) weist einen Isolator-Schalter, (S) eine eindeutige Identifikationsnummer und eine Kommunikationsadresse auf. Zur Bestimmung der Konfiguration der Gefahrenmeldeanlage werden die über die Isolator-Schalter (S) entkoppelbaren Geräte (M_n) sequentiell aufgestartet und melden sich bei der Zentrale (Z) sequentiell an. Bei gleichzeitiger Anmeldung von mehr als einem Gerät (M_n) wird nur die Anmeldung eines dieser Geräte (M_n) akzeptiert. Wenn sich die Geräte (M_n) mit ihrer Kommunikationsadresse bei der Zentrale (Z) anmelden, werden bei gleichzeitiger Anmeldung von Geräten (M_n) mit unterschiedlichen Kommunikationsadressen die Kommunikationsadressen anhand eines Arbitrationsverfahrens unterschieden und die beiden unterschiedlichen Kommunikationsadressen sequentiell registriert.

WIPO IP SERVICES

WORLD INTELLECTUAL PROPERTY ORGANIZATION

Home IP Services PATENTSCORE® Patent Search

en wird die

CU, CZ, DE,
KE, KG, KM,

NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, ST, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.
African Regional Intellectual Property Org. (ARIPO) (BW, GH, GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW)
Eurasian Patent Organization (EAPO) (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM)
European Patent Office (EPO) (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IS, IT, LT, LU, LV, MC, NL, PL, PT, RO, SE, SI, SK, TR)
African Intellectual Property Organization (OAPI) (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

Publication Language: German (DE)

Filing Language: German (DE)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JOHN S. PRATT, ESQ
KILPATRICK TOWNSEND &
STOCKTON LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA GA 30309

MAILED

JAN 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Roy	:	ON APPLICATION FOR
Application No. 11/886,364	:	PATENT TERM ADJUSTMENT
Filed: September 14, 2007	:	
Atty. Docket No. **33428/348775**	:	
	:	

This is a decision on the "Response to Determination of Patent Term Adjustment under 35 U.S.C. 154(b) and Notification of Possible Error in Calculation", filed June 8, 2010, which is being treated under 37 CFR 1.705(b).

The petition is **DISMISSED**.

On April 15, 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 220 days. The petition was filed on June 8, 2010, on the same day the issue fee was paid. Applicants surmise that the patent term adjustment of 220 days appears to be longer than appropriate and state specifically that:

> [o]n December 21, 2009, the USPTO mailed an ex-parte Quayle action which set a response date to expire two months or thirty days from the mailing date, whichever was longer. Applicants submitted a response to said Action together with a petition for extension of time for one month by Online EFS Web on March 16, 2010. Applicants were not charged the adjustment of 23 days for the period beginning February 21, 2010 to March 16, 2010...

Excerpt taken from "Response to Determination of Patent Term Adjustment under 35 U.S.C. 154(b) and Notification of Possible Error in Calculation", filed June 8, 2010, pgs. 1-2.

Applicant's argument has been considered, but a review of the application reveals no circumstance that would warrant any change to the patent term adjustment. Reductions to the patent term adjustment under 37 CFR 1.704(b) occur only when applicant has delayed responding to any Office action or notice making any rejection, objection, argument, or other request in excess of three months from the mailing date of said notice. The period for reply set forth in the notice itself is of no consequence when calculating the period of reduction pursuant to 37 CFR 1.704(b). As such, the fact that the *Ex Parte Quayle* action mailed December 21, 2009, set a two month period for reply has no bearing on the three month period for response to that action as stipulated by 37 CFR 1.704(b). It is noted that the a response to the *Ex Parte Quayle* action was filed on March 16, 2010—within three months of the December 21, 2009, mailing date of the *Ex Parte Qualye action*. Accordingly, the entry of an additional reduction under 37 CFR 1.704(b) is unwarranted.

In view thereof, the patent term adjustment of 220 days as indicated by the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) mailed April 15, 2010, will not be changed.

Deposit account 11-0855 will be charged $200.00 for the fee set forth in 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 in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

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

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
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

MAILED

JAN 07 2011

PCT LEGAL ADMINISTRATION

LAW OFFICE OF MICHAEL A. SANZO, LLC
15400 CALHOUN DR.
SUITE 125
ROCKVILLE MD 20855

In re Application of :
KNAUP, Günter et al. :
Application No.: 11/886,420 :
PCT No.: PCT/EP2006/060406 :
Int. Filing Date: 02 March 2006 : DECISION
Priority Date: 19 March 2005 :
Attorney Docket No.: 7601/10400 :
For: PROCESS FOR THE PREPARATION :
OF 2-AZABICYCLO[3.3.0 :

This decision is in response to applicants' petition under 37 CFR 1.181 to correct the 35 USC 371 date, filed with the United States Patent and Trademark Office on 08 November 2010.

BACKGROUND

On 06 December 2007, applicant supplied a declaration executed by inventor Latinovic and the surcharge for late filing of the search fee, examination fee or oath or declaration.

On 12 November 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the first inventor had not executed the declaration.

On 12 January 2009, applicants filed a response to the Notification of Missing Requirements indicating that a complete copy of the declarations of both inventors were supplied on 06 December 2007, but did not include a copy of the postcard receipt.

On 28 August 2009, the Office mailed Notification of Acceptance (Form PCT/DO/EO/903) indicating that both the 35 USC 371(c)(1), (c)(2) and (c)(4) date and the 35 USC 371 dates were 12 January 2009.

On 08 November 2010, applicants filed this petition under 37 CFR 1.181 to correct the 35 USC 371 dates, accompanied by the purported earlier response and a copy of the postcard receipt.

DISCUSSION

The 12 January 2009 declaration is accepted as having a receipt date of 06 December 2007. Applicants state that it was submitted on 06 December 2007, furnished a copy of it and a copy of the postcard receipt that was stamped by the Office indicating receipt of the contents.

However, the declaration is not a USPTO form and is not accompanied by a statement that the English text is an accurate translation of the foreign text. See 37 CFR 1.69. A statement that the English text is an accurate translation of the German or a new oath or declaration is required.

CONCLUSION

A proper response is required within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available. Failure to timely reply will result in the abandonment of this application.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed 28 August 2009 is **VACATED**.

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

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

MAILED

MAR 29 2011

PCT LEGAL ADMINISTRATION

LAW OFFICE OF MICHAEL A. SANZO, LLC
15400 CALHOUN DR.
SUITE 125
ROCKVILLE MD 20855

In re Application of :
KNAUP, Günter et al. :
Application No.: 11/886,420 :
PCT No.: PCT/EP2006/060406 :
Int. Filing Date: 02 March 2006 :
Priority Date: 19 March 2005 :
Attorney Docket No.: 7601/10400 :
For: PROCESS FOR THE PREPARATION :
OF 2-AZABICYCLO[3.3.0 :

DECISION

This decision is in response to applicants' submission of a statement under 37 CFR 1.69, filed with the United States Patent and Trademark Office on 27 January 2011.

The statement under 37 CFR 1.69(b) is acceptable. The 06 December 2007 is in compliance with 37 CFR 1.497(a)-(b).

This application is being forwarded to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision, including issuance of a corrected Notification of Acceptance and Filing Receipt indicating that both 35 USC 371 dates were satisfied on 06 December 2007.

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

WHITEFORD, TAYLOR & PRESTON, LLP
ATTN: GREGORY M STONE
SEVEN SAINT PAUL STREET
BALTIMORE, MD 21202-1626

MAILED

JAN 27 2011

OFFICE OF PETITIONS

In re Application of	:	
David Oles et al	:	
Application No. 11/886,443	:	DECISION ON PETITION
Filed: September 14, 2007	:	TO WITHDRAW
Attorney Docket No. 081936/00006	:	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 10, 2010.

The request is **APPROVED**.

The request was signed by Joseph L. Morales on behalf of the practitioners of record associated with Customer Number 25223.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to assignee DNP Photo Imaging America Corporation at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: DNP Photo Imaging America Corporation
P.O. Box 767
San Marcos, TX 78667

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
11/886,443	09/14/2007	David Oles	081936/00006

CONFIRMATION NO. 4098

POWER OF ATTORNEY NOTICE

25223
WHITEFORD, TAYLOR & PRESTON, LLP
ATTN: GREGORY M STONE
SEVEN SAINT PAUL STREET
BALTIMORE, MD 21202-1626

OC000000045699532

Date Mailed: 01/27/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/10/2010.

- 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.

/idingle/

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

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
11/886,443	09/14/2007	David Oles	081936/00006

CONFIRMATION NO. 4098

DNP PHOTO IMAGING AMERICA CORPORATION
P.O. BOX 767
SAN MARCOS, TX 78667

POA ACCEPTANCE LETTER

OC000000045699534

Date Mailed: 01/27/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/10/2010.

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.

/idingle/

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

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.
11/886,449	09/14/2007	Per Moller	6018-0101PUS2	4111

2292 7590 08/23/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
HAYMAN, IMANI N

ART UNIT	PAPER NUMBER
3767	

NOTIFICATION DATE	DELIVERY MODE
08/23/2010	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):

mailroom@bskb.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

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

In re Application of:
MOLLER, PER et al
Serial No.: 11/886,449
Filed: Sep. 14, 2007
Docket: 6018-0101PUS2
Title: ARTICLE TO BE INSERTED IN A BODY CAVITY HAVING BIOLOGICALLY INHIBITING SURFACES AND USE AND PREPARATION OF THE ARTICLE

DECISION ON PETITION

This is a decision on the Petition for Suspension of Action received on August 18, 2010, seeking to suspend action on the above-identified application for a period of six months. This petition is being considered pursuant to 37 CFR § 1.103.

The petition is dismissed.

On August 18, 2010, petitioner filed the current petition to suspend office action to provide additional time to perform clinical trials for technology pertaining to the claimed invention. In the petition, petitioner alleges that the applicant requests a suspension of action on the patent application for a period of six (6) months to allow the applicant to obtain information from the clinical trails that will support patentability of the claimed invention over the prior art references.

The reason for a six-month suspension of action is not convincing and could not justify a six-month delay in prosecution. The Office must balance the burden of timely examinations and needs of the public to know which claims it faces with the needs of applicants in pursuing claims which reflect the scope to which they are entitled. Applicant has failed to outline where he presently stands in his clinical trails and the status of the information obtained. Petitioner fails to establish why, in particular, a six-month suspension of action will advance the clinical trails and obtain any information that will support patentability. Accordingly, petitioner has failed to establish good and sufficient reasons to delay the prosecution. The application remains in active

status and being returned to the examiner for immediate examination of the application and issuance of an Office action in response to the applicant's amendment filed on July 2, 2010.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3767 for preparation of an Office action. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED.

Donald T. Hajec, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Edwards Neils PLLC
11710 Plaza America Drive, Suite 2000
Reston VA 20190

MAILED

OCT 19 2011

OFFICE OF PETITIONS

In re Patent No. 8,008,526	:	
Issue Date: August 30, 2011	:	
Application No. 11/886,540	:	ON PETITION
Filed: September 17, 2007	:	
Attorney Docket No. 71465.0020	:	

This is a decision on the petition filed September 6, 2011, a request under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

/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
www.uspto.gov

YOUNG & THOMPSON
209 MADISON STREET
SUITE 500
ALEXANDRIA, VA 22314

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of
Alexandre Gourraud
Application No. 11/886,550
Filed: September 17, 2007
Attorney Docket No. 0579-1158

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 11, 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.

The request cannot be approved because the practitioner(s) requesting the withdrawal have not certified that they (1) have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment, (2) 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, (3) have notified the client of any responses that may be due and the time frame within which the client must respond. The failure to do so may subject the practitioner to discipline. It is also noted that false certification may violate a practitioners' duty under 37 CFR 10.23(b)(4) and (b)(5).

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).

Petitioner should also 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.

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 Number Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (Form PTO/SB/83).

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
www.uspto.gov

MAILED
APR 29 2011
OFFICE OF PETITIONS

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

In re Patent No.: 7,717,840	:	
Issue Date: May 18, 2010	:	
Application No.: 11/886,639	:	DECISION ON PETITION
Filed: September 18, 2007	:	
Attorney Docket No.: 1033485-000010	:	

This is a decision on the petition under 37 CFR 1.182, filed March 1, 2011, requesting issuance of a duplicate Letters Patent for the above-identified patent. The requisite $400 petition fee has been paid.

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) 272-3204. 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 Office of Data Management for issuance of a duplicate Letters Patent.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: Ollie Person, RSQ, 9th Floor, Room D30-A (Fax No. 571-270-9764)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HARRINGTON & SMITH
4 RESEARCH DRIVE, Suite 202
SHELTON, CT 06484-6212

MAILED
MAR 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Martin Rheault	:	
Application No. 11/886,690	:	DECISION ON PETITION
Filed: September 19, 2007	:	
Attorney Docket No.: 066A.0012.U1(US)	:	

This is a decision in response to the petition, filed December 20, 2010, 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 a failure to reply in a timely manner to a final Office action mailed May 26, 2010. A Notice of Abandonment was mailed on December 2, 2010. On December 20, 2010, the present petition was filed. Petitioner argues that the abandonment should be withdrawn, since a timely reply was filed. Petitioner explains that a Request for Continued Examination (RCE), an Amendment and a 3-month petition for extension of time were filed on November 24, 2010.

A review of the application file confirms receipt of a RCE, amendment and appropriate petition for extension of time on November 30, 2010, as they are present among the papers contained in the file. It is further noted that the requisite fees have been paid and a proper Certificate of Mailing under 37 CFR 1.8 dated November 24, 2010 was included on the RCE, amendment and extension of time request. Accordingly, the response is considered a timely reply to the May 26, 2010 Office action.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn.

This application is being referred to Technology Center AU 3749 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 may be directed to the undersigned at (571) 272-3204. Inquiries regarding further prosecution of this application should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
FEB 10 2012
OFFICE OF PETITIONS

LISA MUELLER / ABBOTT
C/O MICHAEL BEST FRIEDRICH LLP
TWO PRUDENTIAL PLAZA
180 N. STETSON AVENUE
CHICAGO, IL 60601

In re Application of :
Wilfried Lubisch, et al. :
Application No. 11/886,731 : ON PETITION
Filed: January 13, 2009 :
Docket No. 057977-139278 (7842USO1):

This is a decision on the petition, filed January 11, 2012, under 37 CFR 1.182 requesting withdrawal of a previously filed terminal disclaimer. The petition fee has been received.

The petition is granted.

Petitioner asserts that the Terminal Disclaimer filed on May 9, 2011 in this application is unnecessary since the application is abandoned and there are no longer any conflicting claims between the applications.

As the examiner has concurred, the request can be favorably considered.

The application is being referred to Technology Center Art Unit 1624 for further processing consistent with this decision.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAR 09 2011

PCT LEGAL ADMINISTRATION

MERCK
P.O. Box 2000
Rahway, NJ 07065-0907

In re Application of: BAYLISS et al.
U.S. App. No.: 11/886,812
PCT No.: PCT/GB2006/050060
Int. Filing Date: 21 March 2006
Priority Date: 24 March 2005
Attorney Docket No.: T1677P
For: 2,3-SUBSTITUTED FUSED PYRIMIDIN -4 (3H)-ONES AS VR1 ANTAGONISTS

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Communication under 37 CFR 1.8(b) Regarding Notice of Abandonment of Application" filed 06 August 2009 and applicants' "Supplemental Communication" filed 08 March 2011, treated herein as a petition under 37 CFR 1.182. Deposit Account No. 13-2755 will be charged the $400 petition fee, as authorized.

BACKGROUND

On 21 March 2006, applicants filed international application PCT/GB2006/050060 which claimed a priority date of 24 March 2005. On 28 September 2006, a copy of the international application was transmitted to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB"). Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 24 September 2007.

On 19 September 2007, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, the basic national fee and a preliminary amendment.

On 31 October 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 that an oath or declaration in compliance with 37 CFR 1.497 was required.

On 31 July 2009, the DO/EO/US mailed a Notification Of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned with respect to the United States for failure to respond to the Notification Of Missing Requirements.

On 06 August 2009, applicants filed the petition to withdraw the holding of abandonment considered herein. In the petition, applicants assert that they timely

submitted the materials required by the Notification Of Missing Requirements. Specifically, applicants assert that a declaration was filed on 18 November 2008, however, applicants note that the submission was submitted under an incorrect application number (11/866,812).

DISCUSSION

Applicants have requested relief under 37 CFR 1.8(b). However, 37 CFR 1.8(b) is only applicable when applicants' submission is not received by the USPTO. In this case, the submission was received but placed in the wrong application.

Where, as here, materials have been filed under the wrong application number, a grantable petition under 37 CFR 1.182 is required to confirm the previous submissions and to have such submissions treated as having been filed in the present application on the respective filing dates, as required to withdraw the holding of abandonment. Such a petition requires: (1) payment of the petition fee; (2) the presence in the earlier submissions of an adequate reference to the correct application, and (3) evidence confirming the previous submissions (including copies of such materials).

In order to confirm the purported 18 November 2008 submission, applicants have provided copies of materials which appear to correspond to items filed on 18 November 2008. With respect to the declaration filed on 18 November 2008, the original submission has been located and transferred to the present application file. This document bears a USPTO receipt stamp dated 18 November 2008, confirming the asserted filing date. The 18 November 2008 filing of the declaration is therefore confirmed. Applicants' present submission included the authorization to charge counsel's Deposit Account the required petition fee to correct applicant's error.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

In view of the receipt of the declaration filed 18 November 2008, which was a timely response to the Notification of Missing Requirements mailed 31 October 2008, the holding of abandonment is hereby **WITHDRAWN**.

This application will be given an international filing date of 21 March 2006 and a date of 18 November 2008 under 35 U.S.C. 371. The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (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
www.uspto.gov

MORGAN LEWIS & BOCKIUS LLP (WA)
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

MAILED
JAN 04 2012
OFFICE OF PETITIONS

In re Application of	:	
OSAWA et al.	:	
Application No. 11/886,847	:	ON APPLICATION FOR
Filing or 371(c) Date: 09/21/07	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 053848-5030	:	

This is in response to the "PETITION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(d)" filed December 16, 2011, which is properly treated as a petition under 37 CFR 1.705(b). Applicants request that the determination of patent term adjustment be corrected to nine hundred seventy-three (973) days.

The request for reconsideration of the patent term adjustment is **GRANTED to the extent indicated herein.**

The Office has updated the PALM and PAIR screens to reflect that the patent term adjustment determination at the time of the mailing of the notice of allowance is **nine-hundred sixty-two (962) days.** A copy of the updated PAIR screen, showing the corrected determination, is enclosed.

Applicants dispute the calculation of the period of adjustment under 37 CFR 1.702(a)(1) for the Office failing to mail at least one notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application. Applicants assert that the application was filed on September 21, 2007, and the USPTO mailed a first Office action on July 21, 2011, 973 days beyond the fourteen month deadline. Applicants contend that the Office

erroneously calculated the period of adjustment for Office delay under 37 CFR 1.702(a)(1) as 963 days, instead of 973 days.

The Office has considered applicants' argument but is not persuaded. Initially, the Office notes that applicants incorrectly calculated the period of adjustment under 37 CFR 1.702(a)(1) using "the filing date" of September 21, 2007, instead of the Date of Completion of all 35 U.S.C. 371 Requirements. The Office reminds applicants that the Date of Completion of all 35 U.S.C. 371 Requirements is used for the purposes of calculating patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)(II) and 37 CFR 1.702(a)(1) when the USPTO has failed to mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the requirements under 35 U.S.C. 371 were fulfilled. See MPEP 1893.03(b).

A review of the application history indicates that the Office entered a period of adjustment of 963 days pursuant to 37 CFR 1.702(a)(1). However, upon a further review of the record, it appears that the Office did not use the correct 35 U.S.C. 371(b) national stage completion, or fulfillment date, of Monday, October 1, 2007, in calculating the period of adjustment under 37 CFR 1.703(a)(1). See 35 U.S.C. 371(b), PCT Rule 80.5 and MPEP 1893.03(b).

Pursuant to 37 CFR 1.703(a)(1), the period of adjustment under 37 CFR 1.702(a) should be 962 days, counting the number of days beginning on the day after the date that is fourteen months after the date on which the application fulfilled the requirements under 35 U.S.C. 371, December 2, 2008, and ending on the date of mailing of the non-final Office action, July 21, 2011. Accordingly, the period of adjustment of 963 days is being removed and a period of adjustment of 962 days is being entered.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is **962 days.**

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

The Office will mail a corrected Notice of Acceptance and corrected filing receipt reflecting the Date of Completion of

all 35 U.S.C. 371 Requirements as Monday, October 1, 2007, under separate cover.

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.

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) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PAIR Screen

11/886,847	IMAGE FORMING METHOD AND MICROSCOPE DEVICE	053848-5030	01-03-2012::12:53:49

Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 11/886,847

Filing or 371(c) Date:	09-21-2007	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	963
A Delays:	963	PTO Manual Adjustments:	-1
B Delays:	0	Applicant Delays:	0
C Delays:	0	Total PTA Adjustments:	962

Patent Term Adjustment History **Explanation Of Calculations**

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
58	01-03-2012	Adjustment of PTA Calculation by PTO	962		0
57	01-03-2012	Adjustment of PTA Calculation by PTO		963	0
50	10-03-2011	Mail Notice of Allowance			0
49	09-30-2011	Office Action Review			0
48	09-30-2011	Office Action Review			0
47	09-30-2011	Issue Revision Completed			0
46	09-30-2011	Document Verification			0
45	09-30-2011	Notice of Allowance Data Verification Completed			0
44	09-30-2011	Case Docketed to Examiner in GAU			0
43	09-29-2011	Reasons for Allowance			0
42	09-29-2011	Allowability Notice			0
39	09-07-2011	Date Forwarded to Examiner			0
38	08-30-2011	Response after Non-Final Action			0
37	07-21-2011	Mail Non-Final Rejection	963		11
36	07-19-2011	Office Action Review			0
35	07-17-2011	Office Action Review			0
34	07-16-2011	Non-Final Rejection			0
33	12-11-2007	Information Disclosure Statement considered			0

32	12-19-2007	Information Disclosure Statement considered	0
29	02-04-2008	Information Disclosure Statement considered	0
28	06-23-2009	Information Disclosure Statement considered	0
27	04-29-2011	Case Docketed to Examiner in GAU	0
26	04-15-2011	Case Docketed to Examiner in GAU	0
25	03-17-2011	Case Docketed to Examiner in GAU	0
24	11-05-2010	Case Docketed to Examiner in GAU	0
23	07-13-2010	Case Docketed to Examiner in GAU	0
22	06-10-2010	PG-Pub Issue Notification	0
21	06-23-2009	Reference capture on IDS	0
20	12-19-2007	Reference capture on IDS	0
19	12-11-2007	Reference capture on IDS	0
18	06-23-2009	Information Disclosure Statement (IDS) Filed	0
17	06-03-2009	Request for Foreign Priority (Priority Papers May Be Included)	0
16	02-04-2008	Information Disclosure Statement (IDS) Filed	0
15	12-19-2007	Information Disclosure Statement (IDS) Filed	0
14	12-11-2007	Information Disclosure Statement (IDS) Filed	0
12	03-16-2010	Application Dispatched from OIPE	0
11	09-30-2007	371 Completion Date	0
10	03-04-2010	Sent to Classification Contractor	0
9	03-04-2010	Filing Receipt	0
8	03-04-2010	Notice of DO/EO Acceptance Mailed	0
7	06-23-2009	Information Disclosure Statement (IDS) Filed	0
6	02-04-2008	Information Disclosure Statement (IDS) Filed	0
5	12-19-2007	Information Disclosure Statement (IDS) Filed	0

4	12-11-2007	Information Disclosure Statement (IDS) Filed	0
3	10-06-2007	Cleared by OIPE CSR	0
2	10-06-2007	IFW Scan & PACR Auto Security Review	0
0.5	03-20-2006	International Filing date	0

Close Window

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : **07/26/11**

TO SPE OF : ART UNIT: **1647 Attn: STUCKER JEFFREY J (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/886853 Patent No.: 7973133

CofC mailroom date: 07/19/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: Please check Abstract

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1814 & 703-756-1593

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

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

Comments: Approved

/Jeffrey Stucker/ — 1647

SPE — Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 08/08/11

TO SPE OF : ART UNIT 2858

SUBJECT : Request for Certificate of Correction for Appl. No.: 11886981 Patent No.: 7898263

CofC mailroom date: 07/29/11

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: _____

_____

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: _____

_____

_____

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

2858

SPE 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): 11/886,910	Patent Number (if applicable):
First Named Inventor: Tadahiro OHMI	Title of Invention: MAGNETIC SUBSTANCE CONTAINIG-INSULATOR AND CIRCUIT BOARD AND ELECTRONIC DEVICE USING THE SAME

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	Date March 30, 2011
Name (Print/Typed) George C. Beck	Practitioner Registration Number 38,072

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.

UNITED STATES 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

APR 05 2011

OFFICE OF PETITIONS

In re Application of :
Tadahiro OHMI :
Application No. 11/886,910 :
Filed: September 21, 2007 :
Attorney Docket No.: 039262-0181 :

DECISION ON PETITION

This is a decision on the request filed March 30, 2011, seeking relief under the provisions of an announcement by the Under Secretary and Director of the United States Patent and Trademark Office on March 17, 2011, http://www.uspto.gov/patents/announce/japan_relief_2011mar17.pdf, providing relief to inventors and patent owners in areas affected by the earthquake and resulting tsunami of March 11, 2011.

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on November 29, 2010. 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 Ramesh Krishnamurthy at 571-272-4914. 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 1783 for re-mailing the Office action of November 29, 2010. The period for reply will run from the mailing date of the Office action.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NELSON MULLINS RILEY & SCARBOROUGH LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON MA 02109

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of	:
de Weers, et al.	: DECISION ON APPLICATION
Application No. 11/886,932	: FOR PATENT TERM ADJUSTMENT
Filed: September 21, 2007	: AND NOTICE OF INTENT
Patent No. 7,829,673	: TO ISSUE CERTIFICATE
Issued: November 9, 2010	: OF CORRECTION
Attorney Docket No. GMI-083US	:

This decision is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION UNDER 37 CFR §1.705(b)", filed January 3, 2011.

The request for correction of the patent term adjustment (PTA) is **GRANTED**.

On November 9, 2010, the above-identified application issued into Patent No. 7,829,673 with a patent term adjustment of one hundred fifty-seven (157) days. On January 3, 2011, patentee filed the instant application for patent term adjustment, pointing out that the PTO should not have been assessed 194 days for the delay in mailing the first Office action. Rather, patentees assert that the Office should only have been assessed 193 days of PTO delay.

The Office determined a patent term adjustment of 157 days based on an adjustment for PTO delay of 194 days, pursuant to 35 U.S.C. 154(b)(1)(A) and 37 C.F.R. § 1.703(a)(1), and 46 days pursuant to 35 U.S.C. 154(b)(1)(B) and 37 C.F.R. 1.703(b), reduced by applicants' delay of 83 days pursuant to 37 C.F.R. § 1.704(c)(7). The adjustment of 194 days is at issue.

Commencement began on September 24, 2007 (i.e. the first business day that was 30 months from the priority date). Accordingly, PTO delay under 37 CFR 1.703(a)(1) should have been assessed as 193 days, not 194 days.

In view thereof, issuance of a certificate of correction pursuant to 35 U.S.C. 254 and 37 CFR § 1.322 is appropriate. The correct number of days of patent term adjustment is 156 days (239 days of PTO delay, reduced by 83 days of Applicant delay).

The application file 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 **one hundred fifty-six (156)** days subject to any disclaimers.

Telephone inquiries specific to this letter 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

DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,829,673 B2

DATED : **November 9, 2010**

INVENTOR(S) : de Weers 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 157 days.

Delete the phrase "by 157 days" and insert – by 156 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

MAILED
MAR 23 2012
OFFICE OF PETITIONS

In re Application of Fujii et al. Application No. 11/886,952 Filed: September 15, 2008 Attorney Docket Number: 029929-00009 Title: PRECURSOR COMPOSITION FOR POROUS FILM AND METHOD FOR PREPARING THE COMPOSITION, POROUS FILM AND METHOD FOR PREPARING THE POROUS FILM, AND SEMICONDUCTOR DEVICE	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.137(B)

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed February 22, 2012, to revive the above-identified application.

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

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed August 18, 2011, which set a shortened statutory period for reply of three months. An after-final amendment was received on February 10, 2012 along with a three-month extension of time, and an advisory action was mailed on February 22, 2012. No extensions of time under the provisions of 37 C.F.R § 1.136(a) were obtained, and no further responses were received. Accordingly, the above-identified application became abandoned on February 19, 2012.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;

(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee, both a notice of appeal and the associated fee, and the proper statement of unintentional delay.

The first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the notice of appeal that was received on February 22, 2012 can be processed.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

The Notice of Appeal filed on February 22, 2012, has been entered and made of record. Accordingly, **the two-month period for filing the Appeal Brief, accompanied by the fee required by law, runs from the mailing date of this decision.**

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

---

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).

concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

AMIN TALATI, LLC
225 North Michigan Avenue
Suite 700
CHICAGO IL 60601

MAILED

NOV 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Shilpan Pravinchandra Patel	:	
Application No. 11/886,990	:	DECISION ON PETITION
Filed: September 24, 2007	:	TO WITHDRAW
Attorney Docket No. ACP-104	:	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 6, 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 Janine A. Moderson on behalf of all attorneys/agents associated with customer number 51079. All attorneys/agents associated with customer number 51079 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: Arrow Coated Product, Ltd.
5-D, Laxmi Industrial Estate,
New Link Road, Andheri (West)
Mumbai, Maharashtra 400053
INDIA

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
11/886,990	09/24/2007	Shilpan Pravinchandra Patel	KR4465US (90470)

CONFIRMATION NO. 1585

POWER OF ATTORNEY NOTICE

OC000000044461492

51079
AMIN TALATI, LLC
225 North Michigan Avenue
Suite 700
CHICAGO, IL 60601

Date Mailed: 11/12/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/06/2010.

- 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

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

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
PO BOX 1497
MADISON WI 53701-1497

MAILED

JUL 29 2011

OFFICE OF PETITIONS

In re Application of	:	
Coupez, et al.	:	
Application No. 11/887,020	:	ON REQUEST FOR
Filed: December 15, 2008	:	RECONSIDERATION OF
Attorney Docket Number: 088245-6094	:	PATENT TERM ADJUSTMENT

This is a decision on the petition under 37 CFR 1.705(b), July 1, 2011. Applicants believe that the PTA should be accorded an additional three hundred forty-eight (348) days. Applicants request this correction on the basis that the Office will take in excess of three years to issue this patent pursuant to 37 CFR 1.702(b).

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

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

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

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

In view thereof, the correct determination of PTA prior to issuance is **two hundred sixty-two (262) days**.

Receipt of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. Applicants' request for a refund of the fee is denied.[2]

The application is being forwarded to the Office of Data Management for issuance of the patent.

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

Cliff Congo
Petitions Attorney
Office of Petitions

---

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

[2] See Comment 1 in Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term; Final Rule, 1239 OG 14, 65 Fed. Reg. 54366 (Oct. 3 2000) (stating that the fee set forth in 37 CFR 1.18(e) is charged to allow the Office to recover the estimated average cost of treating applications for patent term adjustment, and is not refundable even in the event of Office error).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CONTINENTAL TEVES, INC.
ONE CONTINENTAL DRIVE
AUBURN HILLLS MI 48326-1581

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of	:	
HAHN, et al	:	
Application No. 11/887,024	:	DECISION ON PETITION
Filed: September 24, 2007	:	
Attorney Docket No. TM055	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 5, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 15, 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 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 an amendment, (2) the petition fee of $1620; and (3) a statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

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

This application is being referred to Technology Center AU 2835 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

FLASTER/GREENBERG P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
2nd Floor
PHILADELPHIA PA 19103

MAILED
JUN 28 2011
OFFICE OF PETITIONS

In re Patent No. 7,932,816	:	
Issue Date: April 26, 2011	:	
Application No. 11/887,032	:	DECISION ON PETITION
Filed: January 22, 2008	:	
Attorney Docket No. F0506-15US (J 1227 WO US)	:	

This is a decision on the petition under 37 CFR 1.182, filed May 26, 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 duplicate Letters Patent.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been charged to petitioner's credit card.

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 Ollie Person in the Office of Data Management at (703) 756-1555.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

cc: Ollie Person, Randolph Square, 9th Floor, Room D30-A (Fax No. (571) 270-9764)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

July 7, 2011

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

Re Application of	
SOLOMON, BEKA, ET Al	: **DECISION ON PETITION**
Application: **11/887123**	: **ACCEPTANCE OF COLOR**
Filed: **09/25/2007**	: **DRAWINGS**
Attorney Docket No: **42106**	

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) September 25, 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
Alexandria, VA 22313-1450
www.uspto.gov

AMIN TALATI, LLC
225 North Michigan Avenue
Suite 700
CHICAGO IL 60601

MAILED

NOV 05 2010

OFFICE OF PETITIONS

In re Application of

Shilpan Pravinchandra Patel et al.
Application No. 11/887,132
Filed: September 24, 2007
Attorney Docket No. ACP-105

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 6, 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 Janine A. Moderson on behalf of all attorneys/agents associated with customer number 51079. All attorneys/agents associated with customer number 51079 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: Arrow Coated Product, Ltd.
5-D, Laxmi Industrial Estate,
New Link Road, Andheri (West)
Mumbai, Maharashtra 400053
INDIA

UNITED STATES PATENT AND TRADEMARK OFFICE

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

www.uspto.gov

FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO CA 94108

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Dun ZHANG, et al	:	
Application No. 11/887,147	:	ON PETITION
Filed: September 26, 2007	:	
Attorney Docket No. ETONE-01000US0	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 6, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of April 14, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is July 15, 2010.

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

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the

required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

This application is being referred to Technology Center AU 3651 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

UNITED STATES 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

OCT 13 2011

PCT LEGAL ADMINISTRATION

Terry Paul Zachary
19382 73rd Ave
Surrey BC V4N 5Y1
CANADA

In re Application of	:	
ZACHARY, Terry	:	DECISION
Application No.: 11/887,200	:	
PCT No.: PCT/CA2005/000474	:	ON PETITION UNDER
Int. Filing Date: 24 March 2005	:	
Priority Date: None	:	37 CFR 1.137(b)
Docket No.:	:	
For: HAND EXERCISE DEVICE	:	

Applicant's "Petition For Revival of an Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed in the above-captioned application on 01 August 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 appropriate national fee was previously submitted. The petition fee has now 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 above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office 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 pursuant to 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 Patent and Trademark Office).

The fee for submitting the search fee, examination fee or oath or declaration later than 30 months is required.

This application is being referred to the National Stage 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Guice Patents PLLC
12647 Galveston Court #302
Manassas VA 20112

MAILED
OCT 13 2010
OFFICE OF PETITIONS

In re Application of	:	
Chia-Yi Hsu	:	
Application No. 11/887,251	:	DECISION ON PETITION
Filed: September 27, 2007	:	
Attorney Docket No. 4602-0093	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 7, 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, December 22, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 23, 2010. The Notice of Abandonment was mailed July 1, 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.

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 Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2875 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

cc: **Chia-Yi Hsu**
P.O. Box 166-13
Taipei 115
Taiwan (R.O.C.)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
DEC 23 2010
OFFICE OF PETITIONS

In re Application of	:	
Masaaki Hirano, et al.	:	
Application No. 11/887,384	:	DECISION GRANTING PETITION
Filed: September 28, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. Q111807	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 21, 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 29, 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 1626 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

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

MAILED
APR 25 2011
OFFICE OF PETITIONS

In re Application of	:	
Kelley, et al.	:	
Application No. 11/887,402	:	ON PETITION
Filed: September 28, 2007	:	
Attorney Docket No. 09453.0016	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed March 30, 2011.

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

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action, mailed July 9, 2010. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on October 10, 2010. The Office mailed a Notice of Abandonment on March 2, 2011.

With the instant petition, applicants made a statement of unintentional delay[1], paid the petition fee, and filed the required reply in the form of an Amendment.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $555.00

---

[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. The statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3). The statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

extension of time fee submitted with the petition on March 30, 2011 was subsequent to the maximum period obtainable for reply (January 9, 2011), this fee has been refunded to petitioner's Deposit Account No. 11-0160.

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 1727 for consideration of the Amendment, filed March 30, 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: Husch & Eppenberger LLC
190 Carondelet Plaza
Suite 600
St. Louis MO 63105

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.
11/887,421	02/25/2009	Armin Schmidt	53912	4275

1609 7590 04/16/2012
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER
ANDERSON, DENISE R

ART UNIT	PAPER NUMBER
1778	

MAIL DATE	DELIVERY MODE
04/16/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Mailed: APR 16 2012

In re application of	:	
Schmidt	:	DECISION ON
Serial No. 11/887,421	:	PETITION
Filed: February 25, 2009	:	
For: FILTER ELEMENT		

This is a response to Applicants Petition filed on February 27, 2012 to require entry of the After Final Amendment filed on February 14, 2012. The Amendment was refused entry in a February 23, 2012 Advisory Action.

A Non-Final rejection was mailed in May 4, 2011 addressing original claims 1-9 amended to correct multiple dependency on September 29, 2007. An amendment filed September 19, 2011 canceled original claims 1-9 and presented new claims 10-19. A Final office action mailed December 13, 2011 addressed newly presented claims 10-19 including a rejection of claims 10-19 under 35 U.S.C. 112, second paragraph for not clearly establishing where the inner peripheral sides and outer peripheral sides were located. The Final office action states that the inner and outer peripheral sides, for purposes of examination, were interpreted to be between the filter folds and outside the filter fold tips as disclosed in the Specification's Fig. 1 and 2.

The After Final Amendment filed February 14, 2012 deleted "one of at least" in claim 10, replaced "folds" with "material" in claims 10, 14, and 16, and deleted "individual" in claim 16. Claim 10 was also amended to clarify that the support can be located on the inner or outer peripheral side of the filter material ("... said support extending at least on one of an inner peripheral side...").

The Advisory Action mailed February 23, 2012 stated that entry of the After Final Amendment was refused because the After Final Amendment "proposes to amend the claims to recite something different from what has been prosecuted thus far" and "raises a new issue which would cause further consideration and/or search."

The Specification on page 1 and original claim 1, "at least one fluid-permeable support means extending at least partially into the space of two adjacent filter folds and/or on the inner peripheral side and/or the outer peripheral side to the filter folds." On page 4, recites "the support means with the filter- active substances then should be located on the inside of the filter element, that is, in turn in the inflow direction in the front of the actual filter material." On page 6 recites, "support means 26 which is located between the inner peripheral side 28 of the element housing 18 and outer periphery along the outside of the filter folds 12." On page 6 recites, "the convexly protruding projections 30 of the support means 26 engaging the existing spaces between the adjacent filter folds 12 of the filter material 10."

Applicant points out page 6, lines 1-3 which establishes the support is located between the inner peripheral side of the element housing and the outer periphery along the outside of the filter fold as shown in figure 1 and figure 2. Applicant also points out page 7, lines 5-9 of the substitute specification which describe the support as being on the dirty side of the filter element which would either be the inner or outer part peripheral side. Applicant further states that the interpretation taken by the Examiner of the inner and outer peripheral sides being the opposite sides of the folds on a single peripheral side of the filter material is contrary to the specification, and thus, improper.

DECISION

Once a final rejection that is not premature has been entered in an application, Applicant no longer has any right to unrestricted further prosecution. This does not mean that no further amendment or argument will be considered. Any amendment that will place the application either in condition for allowance or in better form for appeal may be entered. During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." Entry of the amendment filed on February 14, 2012 would obviate any of the rejections of indefiniteness and is supported by the specification.

The Petition is **GRANTED**.

The application is being forwarded to the Examiner for entry of the amendment filed February 14, 2012.

/Gladys JP Corcoran/
Director, Technology Center 1700

Gladys Corcoran, Director
Technology Center 1700
Chemical and Materials Engineering

wk

Mark S. Bicks
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

UNITED STATES 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
MAR 29 2011
OFFICE OF PETITIONS

WENDEROTHY, LIND & PONACK, L.L.P.
1030 15TH STREET, N.W.
SUITE 400 EAST
WASHINGTON DC 20005-1503

In re Application of	:	
Tsuyoshi Takano et al	:	
Application No. 11/887,439	:	DECISION ON PETITION
Filed: September 28, 2007	:	
Attorney Docket No. 2007_1593A	:	

This is a decision on the petition, filed January 5, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before April 13, 2010, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed January 13, 2010.

Petitioner asserts that the Notice dated January 13, 2010 was not received.

A review of the written record indicates no irregularity in the mailing of the Notice, and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

1. a statement from 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 nonreceived Notice would have been entered and docketed had it been received must be attached to and referenced in the practitioner'statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).
The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center AU 2891 technical support staff for **re-mailing** the Notice of Allowability and the Notice of Allowance and Fee(s) Due of January 13, 2010. The period for paying the issue and publication fees, will be reset to expire three (3) months from the date the Notices are re-mailed. This period is not extendable under the provisions of 37 CFR 1.136.

/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
www.uspto.gov

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

MAILED
OCT 08 2010
PCT LEGAL ADMINISTRATION

In re Application of	:	
BARNES, et al.	:	
U.S. Application No.: 11/887,537	:	DECISION ON RENEWED
PCT No.: PCT/AU2006/000418	:	
Int. Filing Date: 29 March 2006	:	PETITION UNDER
Priority Date: 01 April 2005	:	
Attorney Docket No.: 4398-754	:	37 CFR 1.181
For: MASK PRESSURE REGULATION IN CPAP	:	
TREATMENT AND ASSISTED RESPIRATION	:	
BY DYNAMIC... MASK VENT FLOW	:	

This decision is in response to applicant's "RESPONSE TO DECISION ON PETITION" filed 28 December 2009 in the United States Patent and Trademark Office (USPTO). No petition fee is due.

BACKGROUND

On 01 December 2009, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.181 to accept the declaration filed in the application as compliant and assign a 35 U.S.C. 371 date of 01 October 2007. Applicant was afforded two months to file any request for reconsideration and advised that the response period for providing a compliant oath or declaration of the inventors as detailed in the Form PCT/DO/EO/905 mailed 28 July 2009 continued to run.

On 28 December 2009, applicant filed the renewed petition under 37 CFR 1.181 considered herein.

DISCUSSION

Applicant has to date not provided a compliant, executed oath or declaration of the inventors. Applicant's present renewed petition contains further arguments that the declaration filed in the international application (subsequent to the international filing date and therefore pursuant to PCT Rule 26*ter*) satisfies 35 U.S.C. (c)(4). Applicant is incorrect. Applicant further states that the four distinct arguments were presented in the original petition and not separately addressed.

Applicant's first three arguments were addressed in that they are all variations of a central argument that the provided declaration properly identified the application to which it is directed. As shown in the decision mailed 01 December 2009 this is not the case. It is clear that the declaration does not identify the international application number. The declaration does not satisfy any of the three combinations of information detailed in MPEP section 602. (Listed in full in the decision mailed 01

December 2009).

As explained in the previous decision, while the PCT Request form does include the title, the filed declaration does not. Applicant contends that the PCT Request form and the declaration are one and the same. This is not the case. The declaration constitutes one, optional portion of the PCT Request form. It is a stand alone document.

Regarding applicant's contention that no objection was raised by the International Bureau as to the filed declaration, the fact that the declaration was timely filed pursuant to PCT Rule 26*ter*, does not mean that the declaration satisfies all of the conditions of all national states.

As applicant has not provided a compliant oath or declaration within the extendable period provided in the Form PCT/DO/EO/905 mailed 28 July 2009, this application is **ABANDONED** as to the United States national stage.

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.181 is **DISMISSED**.

This application is being forwarded to the Office of PCT Operations, National stage processing for the preparation and mailing of a "Notice of Abandonment" (Form PCT/DO/EO/909).

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

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

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

MAILED

MAR 14 2011

PCT LEGAL ADMINISTRATION

In re Application of :
BARNES, et al. :
U.S. Application No.: 11/887,537 :
PCT No.: PCT/AU2006/000418 :
Int. Filing Date: 29 March 2006 :
Priority Date: 01 April 2005 :
Attorney Docket No.: 4398-754 :
For: MASK PRESSURE REGULATION IN CPAP :
TREATMENT AND ASSISTED RESPIRATION :
BY DYNAMIC... MASK VENT FLOW :

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

The renewed petition to revive under 37 CFR 1.137(b) filed 28 July 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 required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the renewed petition of 10 February 2011 satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the renewed petition reveals that applicant has now provided a statement of unintentional delay, as well as, a compliant declaration of the inventors and petition fee thus satisfying the requirements of 37 CFR 1.137(b). 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 application has an international filing date of 29 March 2006 under 35 U.S.C. 363, and will be given a date of **10 February 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

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

27 AUG 2010

Oliff & Berridge, PLC
P.O. Box 320850
Alexandria, VA 22320-4850

In re Application of
ESAKA et al.
Application No.: 11/887,572 :
PCT No.: PCT/JP2006/308361 :
Int. Filing Date: 14 April 2006 :
Priority Date: 15 April 2005 : DECISION
Atty. Docket No.: 134150 :
For: POWER SUPPLY DEVICE, :
CONTROL METHOD OF POWER :
SUPPLY DEVICE, AND MOTOR
VEHICLE EQUIPPED WITH
POWER SUPPLY DEVICE

This decision is issued in response to applicant's "Request for Correction of Palm Record" filed 02 March 2010 treated herein as a request to correct the Notification of Acceptance and Official Filing Receipt under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 01 October 2007, applicant filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *among others*, the requisite basic national fee; an English translation of the international application; an application data sheet; and an executed declaration of inventorship.

On 03 October 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903) which set forth the date of receipt 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 01 October 2007 and a 35 U.S.C. 371 completion date of 15 October 2007.

On 02 March 2010, applicant filed a "Request for Correction of Palm Record" treated herein as a request to correct the Notification of Acceptance and Official Filing Receipt under 37 CFR 1.181.

DISCUSSION

Applicant requests a corrected filing date (or 371(c) date) from 08 April 2009 to 01 October 2007. The actual filing date of the present application is the international filing date, i.e., 14 April 2006. (See 35 U.S.C. 363) The date in the filing date portion on the filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed. (See MPEP §1895.01) A review of the application file reveals that the basic national fee, a copy of the international application, an English translation of the international application, and an executed declaration were received at the United States Patent and Trademark Office on 01 October 2007. Therefore, the correction of the "FILING DATE" on the filing receipt to indicate a date of 01 October 2007 is proper since applicant completed the requirements set forth in 35 U.S.C. 371(c) on 01 October 2007. Applicant's request to correct the Filing Receipt and Notice of Acceptance is granted.

CONCLUSION

Applicant's request under 37 CFR 1.181 for issuance of a corrected Notification of Acceptance and Official Filing Receipt is **GRANTED**.

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 03 October 2008 and subsequent Official Filing Receipt are hereby **VACATED**.

The application has an international filing date of 14 April 2006 under 35 U.S.C. 363 and a date of 01 October 2007 under 35 U.S.C. 371(c).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a Notification of Acceptance of Application (Form PCT/DO/EO/903) which identifies a date of 01 October 2007 under 35 U.S.C. 371(c) and preparation and mailing of a corrected Filing Receipt in accordance with this decision, that is a filing receipt that identifies a filing date of 01 October 2007.

Anthony R

Anthony Smith
Attorney-Advisor
Office of 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
www.uspto.gov

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

MAILED

NOV 09 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Hans Peter NEE	:	
Application No.: 11/887,581	:	
PCT No.: PCT/SE2006/000476	:	
Int. Filing Date: 31 March 2005	:	PETITION
Priority Date: NA	:	
Attorney's Docket No.: 43315-250840	:	
For: CONVERTER VALVE	:	UNDER 37 CFR 1.182

This decision is in response to the "RENEWED PETITION UNDER 37 CFR 1.182" filed on 28 September 2010, to accept entry of the above identified application into the national stage with the corrected PCT number of PCT/SE2005/000476. Petitioner has been charged the petition fee of $400.00 to the Deposit Account No.: 22-0261.

BACKGROUND

In a decision from this Office on 05 August 2009, the petition filed on 19 September 2008 was dismissed.

On 25 September 2010, petitioner filed the current renewed petition.

DISCUSSION

Petitioner states that the incorrect PCT number was the result of a typographical error as PCT/SE2006/000476 rather than the correct number PCT/SE2005/000476.

Although applicants entered the incorrect PCT serial number at the time of filing the application, the correct PCT number PCT/SE2005/000476 was placed in the application data sheet. Accordingly, there is sufficient evidence that the correct international application PCT number is PCT/SE2005/000476.

Therefore, the petition to accept the correct PCT number of PCT/SE2005/000476 for the instant application is granted, and will be reflected in the filing receipt.

DECISION

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

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

U.S. Serial No.: 11/887,763
Docket No. F-21(SCM)/SI (CM-207)
ONO.039

OPAP IAP3 MAY 31 2011 PATENT & TRADEMARK OFFICE

Co/C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No. US 7,942,222 B2 dated May 17, 2011.

Nobukata Yonetake, et al.

Serial No.:	11/887,763	Group Art Unit:	3618
Filed:	October 3, 2007	Examiner:	GURARI, EREZ
For:	SWING-TYPE OPERATION MACHINE		

Honorable Commissioner of Patents
Alexandria, VA 22313-1450

CERTIFICATE OF CORRECTION UNDER 37 C.F.R 3.81(b)

Sir:

The undersigned respectfully requests a Certificate of Correction for the above-identified patent.

In particular, it is requested that the name of the Assignee be corrected as follows and as noted on the Recordation of Assignment and the executed Assignment:

(73) Assignee: **CATERPILLAR** S.A.R.L., Geneva (CH)

as set forth in the attached PAIR Recordation of Assignment Data and the Issue Fee Transmittal Paper.

Applicant affirmatively states that the assignment was submitted for recordation before issuance of the patent.

A Request for Certificate of Correction attached hereto.

Since this error was due to the U.S. Patent and Trademark Office, no fee is believed due.

Please forward a Certificate of Correction to the address shown below. If there are any questions on this matter, please direct all telephone calls to the number shown below.

The Commissioner is authorized charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-0481.

Respectfully submitted,

Sean M. McGinn, Esq.
Registration No. 34,386

Date: 5/31/2011

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, Virginia 22182-3817
(703) 761-4100 Customer No. 21254
Customer No. 21254

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. 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. : **US 7,942,222 B2**

APPLICATION NO. : **11/887,763**

ISSUE DATE : **May 17, 2011**

INVENTOR(S) : **Nobukata Yonetake, et al.**

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 particular, it is requested that the name of the Assignee be corrected as follows:

(73) Assignee: CATERPILLAR S.A.R.L., Geneva (CH)

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Sean M. McGinn, Esq., 34,386
McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, Virginia 22182-3817

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 the 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.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

OPAP IAP3 MAY 3 1 2011 PATENT & TRADEMARK OFFICE

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

21254 7590 01/21/2011

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

HAND DELIVERED (Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/887,763	10/03/2007	Nobukata Yonetake	F-21(SCM)/SI (CM-207)	6166

TITLE OF INVENTION: SWING-TYPE OPERATION MACHINE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$300	$0	$1810	04/21/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
GURARI, EREZ	3618	180-068400

04/12/2011 LNGUYEN2 00000014 11887763
01 FC:1501 1510.00 OP
02 FC:1504 300.00 OP
03 FC:8021 15.00 OP
McGINN IP LAW GROUP, PLLC

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: CATERPILLAR S.A.R.L.

(B) RESIDENCE: (CITY and STATE OR COUNTRY): GENEVA, SWITZERLAND

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:
- ☒ Issue Fee
- ☒ Publication Fee (No small entity discount permitted)
- ☒ Advance Order - # of Copies 5

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)
- ☒ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 50-0481 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)
- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date April 11, 2011

Typed or printed name Sean M. McGinn, Esq. Registration No. 34,386

This collection of information is required by 37 CFR 1.311. 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 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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.

OPAP IAP3 MAY 3 1 2011 PATENT & TRADEMARK OFFICE

Patent Assignment Abstract of Title

NOTE:Results display only for issued patents and published applications. For pending or abandoned applications please consult USPTO staff.

Total Assignments: 4

Patent #: 7942222 **Issue Dt:** 05/17/2011 **Application #:** 11887763 **Filing Dt:** 10/03/2007
Publication #: 20080257623 **Pub Dt:** 10/23/2008
Inventors: Nobukata Yonetake, Hirotaka Iida, Akitoshi Nishikawa, Mitsunobu Ohsuda, Shigeru Obinata et al
Title: SWING-TYPE OPERATION MACHINE

Assignment: 1

Reel/Frame: 019975/0816 **Recorded:** 10/03/2007 **Pages:** 3
Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).
Assignors: YONETAKE, NOBUTAKA **Exec Dt:** 07/19/2007
IIDA, HIROTAKA **Exec Dt:** 07/19/2007
NISHIKAWA, AKITOSHI **Exec Dt:** 07/19/2007
OHSUDA, MITSUNOBU **Exec Dt:** 07/19/2007
OBINATA, SHIGERU **Exec Dt:** 07/19/2007
HOSODA, KOUSUKE **Exec Dt:** 07/19/2007
MORIYA, RYO **Exec Dt:** 07/19/2007
Assignee: SHIN CATERPILLAR MITSUBISHI LTD.
10-1, YOUGA 4-CHOME SETAGAYA-KU
TOKYO, JAPAN
Correspondent: SEAN M. MCGINN, ESQ.
MCGINN IP LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VIRGINIA 22182-3817

Assignment: 2

Reel/Frame: 020443/0642 **Recorded:** 12/18/2007 **Pages:** 4
Conveyance: CORRECTIVE ASSIGNMET TO CORRECT THE ASSIGNOR'S NAME, PREVIOUSLY RECORDED ON REEL 019975 FRAME 0816.
Assignors: YONETAKE, NOBUKATA **Exec Dt:** 07/19/2007
OBINATA, SHIGERU **Exec Dt:** 07/19/2007
IIDA, HIROTAKA **Exec Dt:** 07/19/2007
HOSODA, KOUSUKE **Exec Dt:** 07/19/2007
NISHIKAWA, AKITOSHI **Exec Dt:** 07/19/2007
MORIYA, RYO **Exec Dt:** 07/19/2007
OHSUDA, MITSUNOBU **Exec Dt:** 07/19/2007
Assignee: SHIN CATERPILLAR MITSUBISHI LTD.
10-1, YOUGA 4-CHOME, SETAGAYA-KU
TOKYO, JAPAN
Correspondent: SEAN M. MCGINN, ESQ.
MCGINN INTELLECTUAL PROP LAW GROUP,PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

Assignment: 3

Reel/Frame: 021531/0563 **Recorded:** 09/17/2008 **Pages:** 23

Conveyance: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

Assignor: SHIN CATERPILLAR MITSUBISHI LTD. **Exec Dt:** 08/01/2008

Assignee: CATERPILLAR JAPAN LTD.
10-1, YOGA 4-CHOME, SETAGAYA-KU
TOKYO, JAPAN

Correspondent: DAVID J. CUSHING - SUGHRUE MION PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, D.C, DC 20037

OPAP IAP3 MAY 3 1 2011 PATENT & TRADEMARK OFFICE

Assignment: 4

Reel/Frame: 024235/0446 **Recorded:** 04/14/2010 **Pages:** 6

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: CATERPILLAR JAPAN LTD. **Exec Dt:** 12/31/2009

Assignee: CATERPILLAR S.A.R.L.
76 ROUTE DE FRONTENEX
GENEVA 6, 1211, SWITZERLAND

Correspondent: STEVEN G. KIBBY
CATERPILLAR INC.
100 N.E. ADAMS ST.-AH9510
PEORIA, IL 61629-9510

Search Results as of: 05/31/2011 05:26 PM
If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.1
Web interface last modified: Apr 30, 2009 v.2.1

| .HOME | INDEX| SEARCH | eBUSINESS | CONTACT US | PRIVACY STATEMENT

ASSIGNMENT OF APPLICATION FOR PATENT

OPAP
MAY 31 2011
IAP3
PATENT & TRADEMARK OFFICE

WHEREAS

NAME AND ADDRESS OF ASSIGNOR

Nobutaka YONETAKE, Hirotaka IIDA, Akitoshi NISHIKAW Mitsunobu OHSUDA, Shigeru OBINATA, Kousuke HOSODA and Ryo MORIYA, all citizens of Japan, residing respectively at Tokyo, Japan, Tokyo, Japan, Tokyo, Japan, Tokyo, Japan, Chikuma-shi, Japan, Kobe-shi, Japan and Kobe-shi, Japan

(HEREINAFTER REFERRED TO AS ASSIGNOR), have invented and own a certain new and useful invention entitled:

TITLE OF INVENTION: Swing-Type Operation Machine

WHEREAS

FULL NAME AND ADDRESS OF ASSIGNEE

Shin Caterpillar Mitsubishi Ltd., a Japanese corporation of 10-1, Youga 4-chome, Setagaya-ku, Tokyo, Japan

(hereinafter referred to as ASSIGNEE), is desirous of acquiring the entire right, title, and interest in, to and under said invention and the United States Letters Patent to be obtained therefor:

NOW THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that in consideration of the payment of ASSIGNEE to ASSIGNOR of the sum of One Dollar ($1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration, ASSIGNOR, by these presents, hereby sells, assigns and transfers to ASSIGNEE the entire and exclusive right, title and interest to said invention and all Letters Patent of the United States to be obtained therefor on said application or any continuation, division, renewal, substitute or reissue thereof for the full term or terms for which the same may be granted.

ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States Patent obtained therefor on said application or any

continuation, division, renewal, substitute or reissue thereof for the full term or terms to said ASSIGNEE, of the entire right, title, and interest in and to the same, for his sole use and behoof, and for the use and behoof of his legal representatives, to the full end of the term or terms for which said Letters Patent obtained therefor on said application or any continuation, division, renewal, substitute or reissue thereof for may be granted, as full and entirely as the same would have been held by ASSIGNOR had this assignment and sale not been made.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment and sale;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent as may be known and accessible to ASSIGNOR and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain and enforce said application, said invention and said Letters Patent which may be necessary or desirable to carry out the purposes hereof.

DATE OF SIGNING

IN WITNESS WHEREOF, I/We have hereunto set hand and seal this 19th day of July, 2007.

SIGNATURE By: Nobukata Yonetake

SIGNATURE By: Hirotaka Iida

SIGNATURE By: Akitoshi Nishikawa

SIGNATURE By: Mitsuhohu Ohsuda

SIGNATURE By: Shigeru Obinata

SIGNATURE By: Kosuke Hosoda

SIGNATURE By: Ryo Moriya

WITNESSES

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BIOGEN IDEC
c/o WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

MAILED
SEP 30 2011
OFFICE OF PETITIONS

In re Application of
Subramanyam et al.
Application No. 11/887,782
Filed or 371(c)Date: March 19, 2009
For: METHODS AND PRODUCTS FOR EVALUATING AN IMMUNE RESPONSE TO A THERAPEUTIC PROTEIN

ON APPLICATION FOR PATENT TERM ADJUSTMENT

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(b)", filed September 23, 2011. Applicants dispute the 52 day reduction for the submission of the information disclosure on May 6, 2011.

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).

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

Applicants dispute the 52 day reduction for the submission of the information disclosure statement (IDS) on May 6, 2011. Applicants contend the May 6, 2011 IDS contained a statement pursuant to 37 CFR 1.704(d) and thus no reduction is required.

A review shows that the 52 day reduction for the submission of the information disclosure statements on May 6, 2011 was not warranted. 37 CFR §1.704(c)(8) provides that a period of reduction is entered for:

> 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:

(8) Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed;

37 CFR 1.704(d) provides:

> A paper containing only an information disclosure statement in compliance with § § 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

In this instance, the information disclosure statement submitted on May 6, 2011 contained a statement pursuant to 37 CFR 1.704(d). Thus, the submission of the IDS does not constitute a failure to engage in reasonable efforts to conclude prosecution. Accordingly, the 52 day reduction will be removed.

Applicants' delay prior to the mailing of the Notice of Allowance is 90 days. Office delay prior to the mailing of the Notice of Allowance is 63 days.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is zero (0) 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
Attorney Advisor
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

Patent Term Adjustments

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

Application Number*: 11887782 Search | Explanation of PTA Calculation | Explanation of PTE Calculation

PTA Calculations for Application: 11887782

Application Filing Date	03/19/2009	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	63
A Delays	63	PTO Manual Adjustment	52
B Delays	0	Applicant Delay (APPL)	142
C Delays	0	Total PTA (days)	0

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
88	09/29/2011		P028	Adjustment of PTA Calculation by PTO	52		0
71	08/15/2011		MN/=.	Mail Notice of Allowance			0
68	08/11/2011		IREV	Issue Revision Completed			0
67	08/11/2011		DVER	Document Verification			0
66	08/11/2011		N/=.	Notice of Allowance Data Verification Completed			0
65	08/11/2011		DOCK	Case Docketed to Examiner in GAU			0
64	08/05/2011		A.NQ	Amendment Crossed in Mail			0
70	08/03/2011		OAR	Office Action Review			0
69	08/03/2011		OAR	Office Action Review			0
63	08/03/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
62	08/03/2011		CNTA	Allowability Notice			0
59	07/27/2011		FWDX	Date Forwarded to Examiner			0
58	07/25/2011		A.NE	Amendment after Final Rejection			0
57	05/25/2011		ELC_RVW	Electronic Review			0
56	05/25/2011		EML_NTF	Email Notification			0
55	05/25/2011		MCTFR	Mail Final Rejection (PTOL - 326)			0
54	05/20/2011		OAR	Office Action Review			0
53	05/20/2011		OAR	Office Action Review			0
52	05/19/2011		CTFR	Final Rejection			0
50	05/06/2011		IDSC	Information Disclosure Statement considered			0
49	05/06/2011	03/15/2011	M844	Information Disclosure Statement (IDS) Filed		52	46
48	05/06/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
47	03/18/2011		FWDX	Date Forwarded to Examiner			0
46	03/15/2011	12/15/2010	A...	Response after Non-Final Action		90	42
45	03/15/2011		XT/G	Request for Extension of Time - Granted			0
44	09/15/2010		ELC_RVW	Electronic Review			0
43	09/15/2010		EML_NTF	Email Notification			0
42	09/15/2010		MCTNF	Mail Non-Final Rejection			0
41	09/13/2010		CTNF	Non-Final Rejection			0
35	08/25/2010		FWDX	Date Forwarded to Examiner			0
34	08/18/2010		ELC.	Response to Election / Restriction Filed			0
33	07/21/2010	05/19/2010	MCTRS	Mail Restriction Requirement	63		13
32	07/19/2010		CTRS	Restriction/Election Requirement			0
28	04/29/2010		DOCK	Case Docketed to Examiner in GAU			0
26	04/23/2010		CLSS	CASE CLASSIFIED BY OIPE			0
25	02/20/2010		TI1050	Transfer Inquiry to GAU			0
36	11/05/2009		IDSC	Information Disclosure Statement considered			0
24	11/05/2009		M844	Information Disclosure Statement (IDS) Filed			0
23	11/05/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
22	09/09/2009		C.AD	Correspondence Address Change			0
21	08/31/2009		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
15	07/09/2009		PG-ISSUE	PG-Pub Issue Notification			0
14	04/10/2009		OIPE	Application Dispatched from OIPE			0
11	04/01/2009		FLRCPT.O	Filing Receipt			0
10	04/01/2009		M903	Notice of DO/EO Acceptance Mailed			0
12	03/31/2009		PGPC	Sent to Classification Contractor			0
20	03/19/2009		A.PE	Preliminary Amendment			0
13	03/19/2009		371COMP	371 Completion Date			0
9	03/19/2009		ADDFLFEE	Additional Application Filing Fees			0
7	03/19/2009		OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic			0
0.5	04/04/2006		NEFILE	International Filing date			0

Export to: Excel

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Luben Stollov
100 Marin Center Dr., #24
San Rafael CA 94903

MAILED
MAR 23 2012
OFFICE OF PETITIONS

In re Application of
Georgi Dimov Stoilov et al.
Application No. 11/887,810
Filed: January 16, 2009
Attorney Docket No. WO 2006/021058

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 February 10, 2012, 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 by inventor Georgi Dimov Stoilov, attesting to his/her age. The above-identified application has been accorded "special" status.

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

The application is being forwarded to Technology Center 3695 for action on the merits commensurate with this decision.

/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

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS CO 80528

OCT 12 2011

In re Application of
HERMAN, GREGORY et al.
Application No.: 11/888,055
Filing or 371(c) Date: July 31, 2007
Attorney Docket Number: 200700048-1

DECISION ON PETITION

This is a decision on the Petition to Withdraw Holding of Abandonment received in the United States Patent and Trademark Office (USPTO) on April 20, 2011.

This petition is **GRANTED**.

The application was inadvertently abandoned for failure to timely submit the Issue Fee and Publication fee as required by the Notice of Allowance mailed November 4, 2010 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on February 22, 2011.

Petitioner states that the issue fee transmittal and payment were timely authorized in the response on October 14, 2010. Petitioner submitted a copy of the original submission which included a properly completed Certificate of Mailing/Transmission. The general authorization of the issue fee of $1510.00 and $300 for publication fee was charged to Deposit Account.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1547.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111220

DATE : December 20, 2011

TO SPE OF : ART UNIT

SUBJECT : Request for Certificate of Correction on Patent No.: 7833537

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 NICKOL/
Supervisory Patent Examiner.Art Unit 1645

UNITED STATES 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 GC LLC
C/O CPA GLOBAL
P.O. BOX 52050
MINNEAPOLIS MN 55402

MAILED

JAN 21 2011

OFFICE OF PETITIONS

In re Application of	:	
David T. CHEN, et al	:	
Application No. 11/888,283	:	DECISION ON PETITION
Filed: July 30, 2007	:	
Attorney Docket No. MMS-37	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 20, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before October 26, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed July 26, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 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 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.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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

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

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

Cc: MICHELLE ROSENBERG
PATENT GC LLP
176 FEDERAL STREET, 5TH FLOOR
BOSTON, MA 02110

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.
11/888,333	07/31/2007	Andrew Edgar Meyer	1212-RTC-019541-CIP-C5	3769

34456 7590 03/16/2011
LARSON NEWMAN & ABEL, LLP
5914 WEST COURTYARD DRIVE
SUITE 200
AUSTIN, TX 78730

EXAMINER
ESTRADA, ANGEL R

ART UNIT	PAPER NUMBER
2831	

MAIL DATE	DELIVERY MODE
03/16/2011	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

hp

LARSON NEWMAN & ABEL, LLP
5914 WEST COURTYARD DRIVE
SUITE 200
AUSTIN, TX 78730

In re Application of Andrew Edgar Meyer et al.	:	
Appl. No.: 11/888,333	:	DECISION ON PETITION
Filed: July 31, 2007	:	UNDER 37 C.F.R. § 1.59
Attorney Docket No.: 1212-RTC-019541-CIP-C5	:	
For: VISUAL LATCHING INDICATOR	:	
ARRANGEMENT FOR AN ELECTRICAL BUSHING	:	
AND TERMINATOR	:	

This is a decision on the petition under 37 C.F.R. §1.59(b), filed June 27, 2008, to expunge information filed concurrently therewith from the above-identified application. The application was held abandoned and a Notice of Abandonment was mailed on December 23, 2009.

The petition is GRANTED.

Petitioner asserted that that the information filed on June 27, 2008 was subject to a protective order and requested that it be expunged from the record.

The information in question has been determined by the examiner and by the undersigned to not be material to the examination of the instant application and may be expunged. The expunged material has been removed from the official file record.

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

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.

John W. Cabeca, TC Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components