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DILLON & YUDELL LLP
8911 N. CAPITAL OF TEXAS HWY.,
SUITE 2110
AUSTIN TX 78759

MAILED
AUG 05 2010
OFFICE OF PETITIONS

In re Application of :
FLUHR et al. :
Application No. 11/953,637 : DECISION ON PETITION
Filed: 12/10/2007 :
Attorney Docket No. AUS920041083US2 :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Office action, mailed September 15, 2009, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 16, 2009. On March 4, 2010, the Office mailed a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply, (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) 272-3211.

This application is being referred to Technology Center AU 2185 for appropriate action by the Examiner on the reply received on March 10, 2010.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/3/11

TO SPE OF : ART UNIT 1638

SUBJECT : Request for Certificate of Correction for Appl. No. 11/953,648 Patent No.: 7,858,849

CofC mailroom date: 1/30/11

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

FOR IFW FILES: Should COC 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: _____

SPE

Art Unit



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McMillan LLP
BROOKFIELD PLACE, Suite 4400
181 BAY STREET
TORONTO ON M5J 2T3 CA CANADA

MAILED
NOV 22 2011
OFFICE OF PETITIONS

In re Application of :
Salah E. MACHANI et al. : ON PETITION
Application No. 11/953,696 :
Filed: December 10, 2007 :
Atty. Docket No.: 57522-2[US-14] :

This is a decision on the petition under 37 CFR 1.137(b), filed November 14, 2011, to revive the above-identified application.

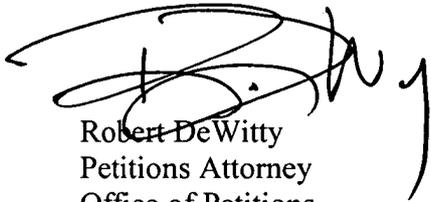
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed April 25, 2011 (Office action), which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned July 26, 2011. A Notice of Abandonment was mailed November 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 Request for Continued Examination (RCE), and RCE fee, and submission under 1.114, (2) a petition fee of \$930, and (3) a statement of unintentional delay. The reply to the Office action is accepted as having been unintentionally delayed.

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

The application will be referred to Technology Center Art Unit 2436 for consideration of the filed submission.

A handwritten signature in black ink, appearing to read 'R. DeWitty', is written over the typed name.

Robert DeWitty
Petitions Attorney
Office of Petitions



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MAILED
SEP 27 2010
OFFICE OF PETITIONS

LEVINE BAGADE HAN LLP
2400 Geng Road, Suite 120
Palo Alto, CA 94303

In re Application of :
Michael Gabriel Lipton, et al. :
Application No. 11/953,789 : **DECISION ON PETITION**
Filed: December 10, 2007 : **TO WITHDRAW**
Attorney Docket No. ARMUNA02000 : **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 24, 2010.

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

A review of the file record indicates that the power of attorney to Levine Bagade Han LLP has been revoked by the assignee of the patent application on September 17, 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 Terri Johnson at 571-272-2991.

Terri Johnson
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **BAYER MATERIAL SCIENCE LLC**
100 BAYER ROAD
PITTSBURGH PA 15205



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MAILED

SEP 27 2010

OFFICE OF PETITIONS

LEVINE BAGADE HAN LLP
2400 Geng Road, Suite 120
Palo Alto, CA 94303

In re Application of	:	
Jonathan R. Heim, et al.	:	
Application No. 11/953,798	:	DECISION ON PETITION
Filed: December 10, 2007	:	TO WITHDRAW
Attorney Docket No. ARMUNA00202	:	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 24, 2010.

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

A review of the file record indicates that the power of attorney to Levine Bagade Han LLP has been revoked by the assignee of the patent application on September 15, 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 Terri Johnson at 571-272-2991.

Terri Johnson
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **BAYER MATERIAL SCIENCE LLC**
100 BAYER ROAD
PITTSBURGH PA 15205



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BAYER MATERIAL SCIENCE LLC
100 BAYER ROAD
PITTSBURGH, PA 15205

MAILED

MAY 27 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Jonathan R. Heim et al :
Application No. 11/953,798 :
Filed: December 10, 2007 :
Attorney Docket No. BMS103003US05/BMSN- :
00202 :

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 9, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

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

This matter is being referred to Technology Center AU 2873 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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



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MAILED
SEP 27 2010
OFFICE OF PETITIONS

LEVINE BAGADE HAN LLP
2400 GENG ROAD, SUITE 120
PALO ALTO, CA 94303

In re Application of	:	
Jonathan R. HEIM, et al	:	
Application No. 11/953,815	:	DECISION ON PETITION
Filed: December 10, 2007	:	TO WITHDRAW
Attorney Docket No. ARMUNA01500	:	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 24, 2010.

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

A review of the file record indicates that the power of attorney to Sanjay B. Bagade and the attorneys of record associated with Customer No. 40518, has been revoked by the assignee of the patent application on September 17, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

cc: BAYER MATERIALSCIENCE AG
BAYER MATERIALSCIENCE LLC,
PATENTS AND LICENSING,
100 BAYER ROAD – BLDG. 8
PITTSBURGH PA 15205



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/953,815	12/10/2007	Jonathan R. HEIM	ARMUNA01500

CONFIRMATION NO. 2861

POA ACCEPTANCE LETTER

157
BAYER MATERIAL SCIENCE LLC
100 BAYER ROAD
PITTSBURGH, PA 15205



Date Mailed: 09/27/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/17/2010.

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.

/s/brahim/

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



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/953,815	12/10/2007	Jonathan R. HEIM	ARMUNA01500

CONFIRMATION NO. 2861

POWER OF ATTORNEY NOTICE

40518
LEVINE BAGADE HAN LLP
2400 GENG ROAD, SUITE 120
PALO ALTO, CA 94303



Date Mailed: 09/27/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/17/2010.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervned as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/sibrahim/

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



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Katherine Bond
P.O. Box 2462
Mission Viejo CA 92690-2462

MAILED
APR 21 2011
OFFICE OF PETITIONS

In re Application of :
Don Van, et al. :
Application No. 11/953,854 : **DECISION ON PETITION**
Filed: December 10, 2007 : **TO MAKE SPECIAL UNDER**
Attorney Docket No. OvationCIP1 : **37 CFR 1.102(c)(1)**
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 18, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the applicant, Don Van declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 1655 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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Katherine Bond
P.O. Box 2462
Mission Viejo CA 92690-2462

MAILED
APR 21 2011
OFFICE OF PETITIONS

In re Application of :
Don Van, et al. :
Application No. 11/953,854 : **DECISION ON PETITION**
Filed: December 10, 2007 :
Attorney Docket No. OvationCIP1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 18, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 6, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 7, 2009. The Notice of Abandonment was mailed May 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 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



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**FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041**

MAILED
NOV 18 2010
OFFICE OF PETITIONS

In re Application	:	
McMillan et al.	:	DECISION ON PETITION
Application No. 11/953,855	:	TO WITHDRAW
Filed: December 10, 2007	:	FROM RECORD
Attorney Docket No. 25170-13672/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 October 26, 2010, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Fenwick & West LLP was not 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.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

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): 11/954,008	Patent Number (if applicable):
First Named Inventor: H. HARUYAMA, et al.	Title of Invention: Gamma PHASE STRENGTHENED FE-NI BASE SUPERALLOY
<p>APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.</p> <p>1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:</p> <ul style="list-style-type: none">a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.c. The statutory or non-statutory time period set for response has not yet expired.d. Withdrawal and reissuance of the Office communication is requested.e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. <p>2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:</p> <ul style="list-style-type: none">a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.c. The USPTO is requested to <i>sua sponte</i> waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.	

**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 /Alan E. Schiavelli/	Date 5-6-2011
Name (Print/Typed) Alan E. Schiavelli	Practitioner Registration Number 32,087
<p>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*.</p>	
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.	



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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

MAILED
MAY 10 2011
OFFICE OF PETITIONS

In re Application of
Hiroshi HARUYAMA et al.
Application No. 11/954,008
Filed: December 11, 2007
Attorney Docket No.: 520.48230X00

DECISION ON PETITION

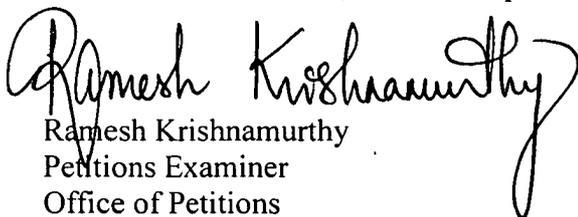
This is a decision on the request filed May 6, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on November 18, 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 the undersigned 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 1733 for re-issuance of the Office action of November 18, 2010. The period for reply will run from the mailing date of the Office action.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

MAILED
MAY 19 2011
OFFICE OF PETITIONS

In re Application of :
Masaya Adachi et al :
Application No. 11/954,021 : DECISION GRANTING PETITION
Filed: December 11, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 500.48207X00 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 18, 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 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

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

This application is being referred to Technology Center AU 2883 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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CANTOR COLBURN LLP
20 CHURCH STREET
22ND FLOOR
HARTFORD, CT 06103

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Application of :
Man-Bok Cheon :
Application No. 11/954,071 : **DECISION ON PETITION**
Filed: December 11, 2007 :
Attorney Docket No.: 21C0139USC :

This is a decision on the petition, filed October 10, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application. The delay in responding is regretted; however, the petition was recently referred to the Office of Petitions for consideration.

The petition is **GRANTED**.

This application was held abandoned for failure to timely reply to a to the Notice to File Corrected Application Papers (Notice), mailed January 11, 2008, which set a two-month period for reply. A Notice of Abandonment was mailed on September 19, 2008.

Petitioner asserts that the Notice dated January 11, 2008 was not received.

A review of the application file reveals no irregularities in the mailing of the Notice of January 11, 2008. 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. The following showing is required:

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.

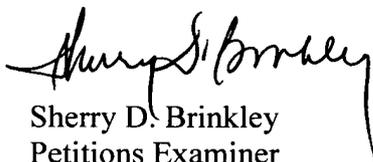
A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a two month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date two months 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.

Petitioner has adequately supported his claim of non-receipt with such evidence.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application is being referred to the Office of Patent Application Processing (OPAP) for consideration of the response filed October 10, 2008.

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



Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

OCT 21 2010

In re Application of : **OFFICE OF PETITIONS**
Yea Chan Choi :
Application No. 11/954,288 : **NOTICE**
Filed: December 12, 2007 :
Attorney Docket No. **319512US8** :

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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/954,354	12/12/2007	Qingfeng Deng	Q105427	3787
7590 Docket Clerk/HTCL P.O. Drawer 800889 Dallas, TX 75380		11/19/2010	EXAMINER MATAR, AHMAD	
			ART UNIT	PAPER NUMBER
			2614	
			NOTIFICATION DATE	DELIVERY MODE
			11/19/2010	ELECTRONIC

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

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

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September 20, 2010

Paul D. Yasger
Abbott Laboratories
100 Abbott Park Road
Bldg. AP6A-1/D377
Abbott Park, IL 60064

Patent No: 7,615,614 B2
Application No: 11/954,356
Applicant: John R. Hackett, Jr., et al.
Issued: November 10, 2009
Title: ANTIGEN CONSTRUCTS USEFUL IN THE DETECTION AND DIFFERENTIATION OF
ANTIBODIES TO HIV

Request for Certificate of Correction:

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

It is the practice to exclude words such as "A", "IMPROVED", "IMPROVEMENT IN", "NEW", or "NOVEL" as the first word in the title of the invention. Therefore, no correction is in order here.

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

Further correspondence concerning this matter should be filed and directed to Decisions & certificated of Correction Branch.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
(571) 272-0460 (voice)
(571) 270-9892 (fax)

vt



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

MAILED

MAY 27 2011

OFFICE OF PETITIONS

In re Application of :
Sproat :
Application No. 11/954,511 :
Filed: December 12, 2007 :
Attorney Docket No. 1700.0850001/TJS/T-M :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed April 4, 2011.

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(c) 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) 272-3230.

Shirene Willis Brantley
Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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United States Patent and Trademark Office
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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

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SEP 21 2010

OFFICE OF PETITIONS

In re Application of	:
Chen et al.	:
Application No. 11/954,542	: DECISION ON PETITION
Filed: December 12, 2007	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 250913-1580	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 1, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed applications set forth in the amendment filed concurrently with the instant 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(s), unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1) above.

A reference to add the prior-filed applications on page one following the first sentence of the specification has been included in a concurrently filed amendment. However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. The court specifically stated:

Section 120 merely provides a mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation-by-reference of prior disclosed subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. In re deSeversky, supra at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore, "limit" the absolute and express prohibition against new matter contained in section 251.

In order for the incorporation by reference statement to be effective as a proper safeguard against the omission of a portion of a prior application, the incorporation by reference statement must be included in the specification-as-filed, or in an amendment specifically referred to in an oath or declaration executing the application. See In re deSeversky, supra. Note also MPEP 201.06(c).

Accordingly, before the petition under 37 CFR 1.78(a)(3) can be granted, a substitute amendment¹ deleting the incorporation by reference statement, along with a renewed petition under 37 CFR 1.78(a)(3), is required.

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

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.


Liana Walsh
Petitions Examiner
Office of Petitions

¹ Note 37 CFR 1.121



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600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

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NOV 08 2010

OFFICE OF PETITIONS

In re Application of
Chen et al.
Application No. 11/954,542
Filed: December 12, 2007
Attorney Docket No. 250913-1580

:
: DECISION ON PETITIONS
: UNDER 37 CFR 1.78(a)(3)
: AND UNDER 37 CFR 1.55(C)
:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3) and 37 CFR 1.55(c), filed October 6, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of prior-filed nonprovisional applications, and under 35 U.S.C. § 119(a)-(d) for the benefit of a prior-filed foreign application, as set forth in the concurrently filed amendment and declaration, respectively.

The petition is **DISMISSED**.

As to the benefit claim under 37 CFR 1.78(a)(3):

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

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

The instant pending application was filed on December 12, 2007, and was pending at the time of filing of the instant petition. A reference to the prior-filed applications has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR 1.78(a)(2)(iii).

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior-filed applications was submitted during the pendency of the instant nonprovisional application, for which the claim for benefit of priority is sought. *See* 35 U.S.C. § 120.

As to the benefit claim under 37 CFR 1.55(c):

However, a petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) the nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, and must be supplied on an application data sheet in accordance with 37 CFR 1.76 or on the oath or declaration;
- (3) the surcharge set forth in § 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1)(i) 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); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The instant petition does not comply with item (2) above. Petitioner has not submitted an Application Data Sheet or an Oath/Declaration.

Accordingly, before the petition can be granted, either an ADS or an Oath/Declaration must be submitted, along with a renewed petition under 37 CFR 1.55(c), is required.

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

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.


Liana Walsh
Petitions Examiner
Office of Petitions



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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

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DEC 10 2010
OFFICE OF PETITIONS

In re Application of :
Chen et al. : DECISION ON PETITIONS
Application No. 11/954,542 : UNDER 37 CFR 1.78(a)(3)
Filed: December 12, 2007 : AND UNDER 37 CFR 1.55(C)
Attorney Docket No. 250913-1580 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3) and 37 CFR 1.55(c), filed November 15, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of prior-filed nonprovisional applications, and under 35 U.S.C. § 119(a)-(d) for the benefit of a prior-filed foreign application, as set forth in the concurrently filed amendment and declaration, respectively.

The petition is **GRANTED**.

As to the benefit claim under 37 CFR 1.78(a)(3):

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

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

The instant pending application was filed on December 12, 2007, and was pending at the time of filing of the instant petition. A reference to the prior-filed applications has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR 1.78(a)(2)(iii).

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior-filed applications was submitted during the pendency of the instant nonprovisional application, for which the claim for benefit of priority is sought. *See* 35 U.S.C. § 120.

As to the benefit claim under 37 CFR 1.55(c):

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) the nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, and must be supplied on an application data sheet in accordance with 37 CFR 1.76 or on the oath or declaration;
- (3) the surcharge set forth in § 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1)(i) 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); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

All requirements being met, the petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority under 35 U.S.C. § 119(a)-(d) 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 37 CFR 1.55(c) should not be construed as meaning that the instant application is entitled to the benefit 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, 365(c) and 119(a)-(d) 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 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, and the foreign priority claim, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3206. All other inquiries should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1764 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120 to the prior-filed nonprovisional applications and for consideration of the claim for priority under 35 U.S.C. § 119(a)-(d) for the benefit of the foreign application as set forth in the concurrently filed amendment and declaration, respectively.


Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/954,542, 12/12/2007, 1764, 1330, 250913-1580, 26, 2

CONFIRMATION NO. 4089

CORRECTED FILING RECEIPT

24504
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994



Date Mailed: 12/09/2010

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)

- Shou-I Chen, Hsinchu City, TAIWAN;
Che I. Kao, Hsinchu City, TAIWAN;
Chih-Chien Chen, Hsinchu City, TAIWAN;
Jin-Her Shen, Hsinchu City, TAIWAN;
Wei-Feng Teng, Miaoli County, TAIWAN;
Hsiao-Pin Chiang, Miaoli County, TAIWAN;
Kai-Wen Chang, Taichung City, TAIWAN;
Fan-Jeng Tsai, Hsinchu City, TAIWAN;

Assignment For Published Patent Application

INDUSTRIAL TECHNOLOGY RESEARCH INSTITUTE, Hsinchu, TAIWAN

Power of Attorney: The patent practitioners associated with Customer Number 24504

Domestic Priority data as claimed by applicant

This application is a CIP of 11/642,627 12/21/2006
which is a CIP of 11/410,913 04/26/2006 ABN

Foreign Applications

- TAIWAN 96146065 12/04/2007
TAIWAN 94146503 12/26/2005

If Required, Foreign Filing License Granted: 01/08/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/954,542

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

FIRE RESISTANT MATERIAL AND FORMATION THEREOF

Preliminary Class

523

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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



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OFFICE OF PETITIONS

JAY M LEESE
2413 WEST 124TH TERRACE
LEAWOOD KS 66209

In re Application of :
Jay M. Leese :
Application No. 11/954,555 : ON PETITION
Filed: December 12, 2007 :
Attorney Docket No. KSC206 :

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

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

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed December 3, 2009. This Notice set a statutory period for reply of three months. No issue fee having been received, the application became abandoned on March 4, 2010. The Office mailed a Notice of Abandonment on March 23, 2010.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of the issue fee.

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

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

A handwritten signature in black ink, appearing to read "Cliff Congo". The signature is written in a cursive, somewhat stylized font.

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

LAW OFFICES OF ERIC KARICH
2807 ST. MARK DR.
MANSFIELD TX 76063

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of :
Mennen :
Application No. 11/954,559 : DECISION
Filed/Deposited: 12 December, 2007 :
Attorney Docket No. 0585-02CIP :

This is a decision on the petition filed on 4 November, 2009, but apparently not recognized in the Technology Center, and so resubmitted on 21 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)(1) 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 non-final Office action mailed on 2 April, 2009, with reply due absent extension of time on or before 2 July, 2009.

The application went abandoned by operation of law after midnight 2 July, 2009.

On 2 October, 2009, Petitioner filed (*via FAX*) a reply in the form of an amendment, with a request and fee for extension of time, all over a certificate of transmission signed and dated by Petitioner.

Application No. 11/954,559

Nonetheless, the Office mailed the Notice of Abandonment on 16 October, 2009.

On 4 November, 2009, Petitioner filed papers considered as a petition pursuant to 37 C.F.R. §1.181 and timely reply, and submitted therewith copies of the reply, the request and fee for extension of time, and transmittal, all timely and properly submitted on 2 October, 2009.

On 21 February, 2011, Petitioner again filed a petition pursuant to 37 C.F.R. §1.181 and timely reply, and submitted therewith copies of the reply, the request and fee for extension of time, and transmittal, all timely and properly submitted on 2 October, 2009.

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

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).

regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidable or unintentionally, respectively, abandoned application.^{3 4}

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.

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

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

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).

CONCLUSION

Accordingly, the petition as considered under 37 C.F.R. §1.181 is **granted**, and the 16 October, 2009, Notice of Abandonment hereby is **vacated**.

The instant application is released to the Technology Center/AU 3749 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 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. §1.2⁶) 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.



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**BANNER & WITCOFF, LTD
ATTORNEYS FOR CLIENTS NUMBER 007092
10 SOUTH WACKER DR.
SUITE 3000
CHICAGO IL 60606**

**MAILED
NOV 07 2011
OFFICE OF PETITIONS**

In re Application of	:	
Richard A. Ditton et al.	:	
Application No. 11/954,591	:	DECISION ON PETITION
Filed: December 12, 2007	:	TO WITHDRAW
Attorney Docket No. 007092.00006	:	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 October 19, 2011.

The request is **NOT APPROVED**.

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

Accordingly, the request to withdraw from record cannot be approved because a forwarding address was not provided. The request to change the correspondence address should be that of the: (1) the first named signing inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment must be submitted with a renewed request.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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NOV 9 0 2011
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BANNER & WITCOFF, LTD
ATTORNEYS FOR CLIENTS NUMBER 007092
10 SOUTH WACKER DR.
SUITE 3000
CHICAGO IL 60606

In re Application of :
Richard A. Ditton :
Application No. 11/954,591 :
Filed: December 12, 2007 :
Attorney Docket No. 007092.00006 :
: **DECISION ON PETITION**
: **TO WITHDRAW**
: **FROM RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 17, 2011.

The request is **APPROVED**.

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

The request was signed by William J. Allen on behalf of all attorneys/agents associated with customer number 71822. All attorneys/agents associated with customer number 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: Incredible Technologies, Inc.
3333 North Kennicott Avenue
Arlington Heights, IL 60004



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/954,591	12/12/2007	Richard A. Ditton	007092.00006

CONFIRMATION NO. 4187

POWER OF ATTORNEY NOTICE



71822
BANNER & WITCOFF , LTD
ATTORNEYS FOR CLIENTS NUMBER 007092
10 SOUTH WACKER DR.
SUITE 3000
CHICAGO, IL 60606

Date Mailed: 11/30/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/17/2011.

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

/kainabinet/

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



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Huawei Technologies Co., Ltd.
c/o Conley Rose, P.C.
5601 Granite Parkway
Plano, TX 75024

MAILED

FEB 27 2012

OFFICE OF PETITIONS

In re Application of
Meng Bai, et. al.
Application No.: 11/954,630
Filed: December 12, 2007
Attorney Docket No.: 4202.15200
For: METHOD AND DEVICE FOR
IMAGE FILTERING

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: 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 January 12, 2012, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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 SIPO, 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 SIPO, 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 SIPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim;
2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the SIPO application(s), and
 - 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 SIPO 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 all office actions from each of the SIPO application(s) containing the allowable/patentable claim(s), and
 - ii. a copy of any office action which is relevant to patentability from the SIPO application(s) issued after grant of the request to participate in the PPH pilot program, and
 - b. An English language translation of the SIPO office action from (5)(a)(i)-(ii) above, and
 - c. A statement that the English translation is accurate;
6. Applicant must submit:
 - a. An IDS listing the documents cited by the SIPO examiner in the SIPO office action (unless already submitted in this application), and
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Requirements (1-4) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirements (5-6).

Regarding requirement (5), it is acknowledged that petitioner submitted a copy of the "First Office Action of the State Intellectual Property Office of the PRC." Unfortunately, it is not apparent whether petitioner has provided all the SIPO Office actions which are relevant to patentability along with the English translation and statement of accuracy.

Regarding requirement (6), it cannot be determined whether this requirement has been met since a copy of all the SIPO Office actions has not been presented.

Applicant is given **ONE** opportunity within 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 the Electronic Filing System (EFS) with the Document Description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

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

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions



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Huawei Technologies Co., Ltd.
c/o Conley Rose, P.C.
5601 Granite Parkway
Plano, TX 75024

MAILED

MAR 22 2012

OFFICE OF PETITIONS

In re Application of
Meng Bai, et. al.
Application No.: 11/954,630
Filed: December 12, 2007
Attorney Docket No.: 4202.15200
For: METHOD AND DEVICE FOR IMAGE
FILTERING

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: 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 January 12, 2012 and renewed on March 16, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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 SIPO, 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 SIPO, 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 SIPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims,or
- iii. contains no priority claim;

2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the SIPO application(s), and
 - 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 SIPO 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 all office actions from each of the SIPO application(s) containing the allowable/patentable claim(s), and
 - ii. a copy of any office action which is relevant to patentability from the SIPO application(s) issued after grant of the request to participate in the PPH pilot program, and
 - b. An English language translation of the SIPO office action from (5)(a)(i)-(ii) above, and
 - c. A statement that the English translation is accurate;
6. Applicant must submit:
 - a. An IDS listing the documents cited by the SIPO examiner in the SIPO office action (unless already submitted in this application), and
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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.

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

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

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions



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Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

Mail Date: 08/05/2010

Applicant : Arthur G. Howarth : DECISION ON REQUEST FOR
Patent Number : 7658319 : RECALCULATION of PATENT
Issue Date : 02/09/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/954,721 : OF WYETH AND NOTICE OF INTENT TO
Filed : 12/12/2007 : 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.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/954,726	12/12/2007	Ekambar Kandimalla	IDR-044US1	4419
32254	7590	10/12/2010	EXAMINER	
Preti Flaherty PO Box 9546 One City Center Portland, ME 04112-9546			SHIN, DANA H	
			ART UNIT	PAPER NUMBER
			1635	
			NOTIFICATION DATE	DELIVERY MODE
			10/12/2010	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):

wkeown@preti.com
jczucchero@woodphillips.com
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UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 08 2010

Keown & Zucchero, LLP
500 West Cummings Park
Suite 1200
Woburn, MA 01801

In re Application of: Kandimalla et al :
Serial No: 11/954,726 : DECISION
Filed: December 12, 2007 : ON
Attorney Docket No: IDR-044US1 : PETITION
Title: Synthetic Agonists of TLR9 :

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on August 24, 2009.

BACKGROUND

Applicant filed a claim set on December 12, 2007 which was subject to a restriction requirement on November 14, 2008.

In the restriction requirement of November 14, 2008, the examiner presented the following groups:

- Group I. Claims 1-3, drawn to a TLR9 agonist comprising an oligonucleotide
- Group II. Claims 4-12, drawn to a method of generating a TLR9-mediated immune response or treating a disease in a vertebrate comprising administering a TLR9 agonist

In addition to electing a single group as set forth above, applicant is further required to elect a single disclosed oligonucleotide from SEQ ID NOs: 1-92. Examiner clearly stated that this is not a species election requirement. Examiner states that distinct SEQ ID NOs are directed to related products. The SEQ ID NOs as claimed are materially different as they are structurally distinct from one another as evidenced by the different sequences and modifications listed in Table 1. Furthermore, the inventions as claimed are mutually exclusive and there is nothing of record to show them to be obvious variants.

On December 17, 2008, a response to restriction requirement was filed. Applicant elected Group I (Claims 1-3) and further elected SEQ ID NO: 24 as the single oligonucleotide with traverse. The traverse is on the ground(s) that the Commissioner has permitted up to 10 sequences to be claimed and examined in a single application.

On February 2 2009, a non-final Office action was mailed. Examiner maintained the restriction and made the restriction requirement Final.

On August 24, 2009, the present petition was filed requesting the Office examine SEQ ID NOs: 25, 29, 32, 35, 62, 63, 79, 81 and 85 along with elected SEQ IN NO: 24.

DISCUSSION

Prosecution history and petition have been carefully reviewed. Applicants argue that each of these SEQ ID NOs were part of a Markush group in the originally filed claims. Applicants urged that MPEP 803.02 provides that “when the Markush group in a claim reciting a process or a combination (not a single compound), it is sufficient if the members of the group are disclosed in the specification to possess at least one property in common which is mainly responsible for their function in the claimed relationship, and it is clear from their very nature or from the prior art that all of them possess this property..... 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 on the merits, even though they may be directed to independent and distinct inventions.” Applicants urged that all of the 10 SEQ ID NOs requested to be examined together share the common property of being 11-mers with a C-AraG core and of acting as agonists of TLR9. Thus they satisfy the common properties”

As rebutted by the examiner, the 1996 Notice has been rescinded and therefore, the partial waiver of 37 CFR 1.141 *et seq.* for restriction practice does not apply any longer. Please see the Office Gazette Notice published on March 27, 2007. Furthermore, since each SEQ ID NO requires independent database search that does not overlap in scope with others and therefore search strategy for different SEQ ID NOs is not co-extensive, searching all SEQ ID NOs properly and thoroughly would impose a serious search and examination burden on the examiner and the Office. Applicants further argued that 6 different nucleotide sequences were examined and allowed for the US Application No. 11/268,683. The discussion of a different application is irrelevant and bears no merit. The examination of instant application doesn't depend on those other applications. It is noted that applicants urged that it's an undue financial burden upon applicant would arise from forcing applicants to have each of the originally filed 92 SEQ ID NOs examined in separate patent applications. Unfortunately, that is irrelevant to restriction practice. In summary, applicants have failed to distinctly and specifically point out supposed errors in examiner's restriction requirement. There is no evidence/arguments provided to show these SEQ ID NOs are not distinct as prescribed in MPEP 8-6.05(j).

DECISION

The petition is **DENIED** for the reasons set forth above.

This application is being forwarded to examiner for further action after mailing of this decision.

Should there be any questions about this decision, please contact Supervisory Patent Examiner Cecilia Tsang, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0562 or by facsimile sent to the general Office facsimile number, 571-273-8300.

A handwritten signature in black ink, appearing to read "JStone". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Jacqueline Stone
Director, Technology Center 1600



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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	:	
Karthikeyan Narayanaswamy	:	
Application No. 11/954,759	:	DECISION ON PETITION
Filed: December 12, 2007	:	TO WITHDRAW
Attorney Docket No. NAR 0101 PUS	:	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 1, 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 Benjamin C. Stasa on behalf of all attorneys of record who are associated with customer No. 22045. All attorneys/agents associated with the Customer Number 22045 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 February 3, 2011 that requires a reply from the applicant.

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

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

cc: KATHIKEYAN NARAYANASWAMY
1329 WEST SQUARE LAKE ROAD
BLOOMFIELD TOWNSHIP, MI 48302



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/954,759	12/12/2007	Karthikeyan Narayanaswamy	NARA 0101 PUS

CONFIRMATION NO. 4490

POWER OF ATTORNEY NOTICE



22045
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

Date Mailed: 08/01/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/01/2011.

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

/amwise/

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



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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

MAILED

SEP 29 2011

In re Application of
Karthikeyan Narayanaswamy
Application No. 11/954,759
Filed: December 12, 2007
Attorney Docket No. NAR 0101 PUS

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a corrected decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 1, 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 Benjamin C. Stasa on behalf of all attorneys of record who are associated with customer No. 22045. All attorneys/agents associated with the Customer Number 22045 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 February 3, 2011 that requires a reply from the applicant.

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

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

cc: KATHIKEYAN NARAYANASWAMY
1329 WEST SQUARE LAKE ROAD
BLOOMFIELD TOWNSHIP, MI 48302



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/954,759	12/12/2007	Karthikeyan Narayanaswamy	NARA 0101 PUS

CONFIRMATION NO. 4490

POWER OF ATTORNEY NOTICE



22045
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

Date Mailed: 08/01/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/01/2011.

- 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.:20120227

DATE : March 5, 2012

TO SPE OF : ART UNIT 2816

SUBJECT : Request for Certificate of Correction on Patent No.: 7902907

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

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

Certificates of Correction Branch - PK 3-910

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

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

Thank You For Your Assistance

Certificates of Correction Branch

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments:

SPE: /Lincoln Donovan/

Art Unit 2816



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Paper No.

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED

FEB 16 2011

OFFICE OF PETITIONS

In re Application of :
Ahmadreza Rofougaran :
Application No. 11/954,779 : ON APPLICATION FOR
Filed: December 12, 2007 : PATENT TERM ADJUSTMENT
Atty Docket No. 19128US01 :

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT APPLICATION UNDER 37 C.F.R. § 1.705(b)" filed December 17, 2010. Applicant submits that the correct patent term adjustment to be indicated on the patent is five hundred forty-six (546) days, not four hundred thirty-nine (439) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction on the basis that the Office will take in excess of three years to issue this patent.

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

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

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

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

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

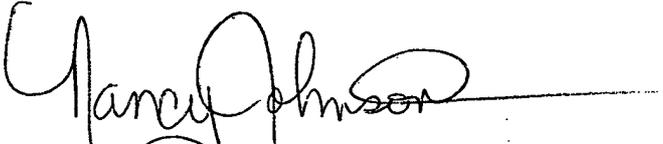
The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

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

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

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

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

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a long horizontal line extending to the right.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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OFFICE OF PETITIONS

INTEGRAL INTELLECTUAL PROPERTY INC./RIM
1370 DON MILLS ROAD, SUITE 300
TORONTO ON M3B 3N7 CA CANADA

In re Application of	:	
Todd et al.	:	
Application No. 11/954819	:	ON APPLICATION FOR
Filing or 371(c) Date: 12/12/2007	:	PATENT TERM ADJUSTMENT
Attorney Docket Number:	:	
RIM062-01US	:	

This is a decision on the “APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b),” filed January 24, 2011. Applicant’s request reconsideration of the patent term adjustment calculation to 791 days, not 575 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction based upon (1) an assertion that the Office erred in calculating a delay of 55 days, and (2) an assertion that the Office will take in excess of three years to issue this patent.

The Application for Patent Term Adjustment Including 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 55 days is **DISMISSED**.

The Application for Patent Term Adjustment Including 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 is **DISMISSED as PREMATURE**.

On November 4, 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 575 days.

On January 24, 2011, applicant timely submitted the instant application for patent term adjustment¹. Applicants request that the Determination of Patent Term Adjustment be corrected from 575 days, as indicated on the Determination of PTA mailed November 4, 2010, to an adjustment of 791 days.

Applicant contests a reduction of the patent term in connection with the filing of reply to a Notice to File Missing Parts of Nonprovisional Application, mailed January 11, 2008. The

¹ PALM records show that the Issue Fee payment was received in the Office on January 24, 2011.

Notice set a two (2) month period for reply. Applicants' response was filed on June 5, 2008. Applicants aver that the reduction, 86 days, commenced on the date that is two (2) months after the mail date of the Notice to File Missing Parts of Nonprovisional Application, March 11, 2008, and ending on June 5, 2008, the date that the reply to the Notice to File Missing Parts of Nonprovisional Application was filed.

Regarding the delay of 55 days attributed to Applicant under 37 CFR 1.704(b), in connection with the filing of the reply to the Notice to File Missing Parts of Nonprovisional Application, Applicant's attention is directed to 37 CFR 1.704(b), which provides that 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 of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. (Emphasis added).

In accordance with 37 CFR §§1.704(b) and 1.703(f), the Office properly used April 12, 2008, in calculating the patent term adjustment. Accordingly, Patentees' argument on request for reconsideration of patent term adjustment as it relates to the assertion that the Office erred in calculating a delay of 55 days is not found persuasive.

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

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

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

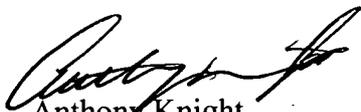
of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee².

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

Any request for reconsideration of the patent term adjustment indicated on the patent, including any request as it relates to the Office's failure to issue the patent within 3 years of the filing date, 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. 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 Attorney Derek Woods at (571) 272-3232.



Anthony Knight
Director
Office of Petitions

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.



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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

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DEC 30 2010

In re Application of : **OFFICE OF PETITIONS**
ROFOUGARAN et al. :
Application No. 11/954,822 : ON APPLICATION FOR
Filed: 12/12/2007 : PATENT TERM ADJUSTMENT
Attorney Docket No. 19129US01 :

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 December 17, 2010, which is being treated as a petition under 37 CFR 1.705(b). Applicants submit that the correct patent term adjustment to be indicated on the patent is 547 days, not 440 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants seek 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 three years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR

1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the 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 such a request as premature.

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

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

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

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

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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**NUTTER MCCLENNEN & FISH LLP
SEAPORT WEST
155 SEAPORT BOULEVARD
BOSTON MA 02210-2604**

**MAILED
SEP 28 2011
OFFICE OF PETITIONS**

In re Application of :
Kirk C. Harmon, et al. :
Application No. 11/954,887 :
Filed: December 12, 2007 :
Attorney Docket No. 107629-0003 :
(LFS5155USNP\)

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed September 7, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

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

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

A handwritten signature in black ink that reads "Terri Johnson". The signature is written in a cursive, flowing style.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **ANTHONY P. FURNARY, M.D.**
7266 SOUTHWEST EATON COURT
PORTLAND, OR 9 7225



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**STOEL RIVES LLP - SLC
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY UT 84111**

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of :

Rodney L. Sheets :

Application No. 11/954,891 :

Filed: December 12, 2007 :

Attorney Docket No. 36902/12 :

**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 25, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Kory D. Christensen, on behalf of all attorneys/agents associated with customer number 32642. All attorneys/agents associated with customer number 32642 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: Velosum, Inc. c/o Troy Tribe
9690 South 300 West, Suite 313
Sandy, UT 84070



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/954,891	12/12/2007	Rodney L. Sheets	36902/12

32642
STOEL RIVES LLP - SLC
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY, UT 84111

CONFIRMATION NO. 4701
POWER OF ATTORNEY NOTICE



Date Mailed: 05/06/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/25/2011.

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

/kainabinet/

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



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Paper No.

ACCENTURE c/o MURABITO,
HAO & BARNES LLP
Two North Market Street
Third Floor
San Jose CA 95113

MAILED
APR 20 2011
OFFICE OF PETITIONS

In re Application of :
Stone et al. : DECISION ON PETITION
Application No. 11/954,927 :
Filed: December 12, 2007 :
Atty Docket No. ACNR-D07-053/ :
01853-00/US :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed March 11, 2011.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a timely and proper reply to the non-final Office action mailed June 15, 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 timely filed and no extension of time obtained, the application became abandoned effective September 16, 2010. A courtesy Notice of Abandonment was mailed on January 3, 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.

Technology Center AU 3687 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed March 11, 2011.

Application No. 11/954,927

Page 2

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

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a long horizontal flourish extending to the right.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 11/954,930, 12/12/2007, Justin Coon, 319602US2CRL, 4762

7590 08/05/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

MCKIE, GINA M

ART UNIT PAPER NUMBER

2611

NOTIFICATION DATE DELIVERY MODE

08/05/2010

ELECTRONIC

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

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

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

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

Handwritten signature: Nomi Farmer
Patent Publication Branch
Office of Data Management

Application No: 11/954,930
Credit Card Refund Total: \$1462.00

Adjustment date: 08/14/2010
12/13/2007 INTERSW 88801444 11954933
02 FC:1161 -510.00 CP
04 FC:1202 -500.00 CP
05 FC:1203 -370.00 CP



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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application :
Rofougaran :
Application No. 11/954,962 : PATENT TERM ADJUSTMENT
Filed: December 12, 2007 :
Dkt. No.: 19247US01 :

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed August 20, 2010.

Applicant submits that the correct patent term adjustment to be indicated on the patent is 94 days, not 20 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction on the basis that the Office will take in excess of three years to issue this patent. Applicant also requests this correction on the basis that the reduction of two days pursuant to 37 CFR 1.704(b) is in error.

37 CFR 1.702(b)

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

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

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

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

Receipt is hereby acknowledged of the required patent term adjustment application fee under 37 CFR 1.705(b) of \$200.00. See, 37 CFR 1.18(e).

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

37 CFR 1.704(b)

Applicant argues that the reduction of two days in connection with the reply filed June 8, 2009 is in error. Applicant reply on 37 CFR 1.6(a)(1) and 1.7(a) to assert that the reply to the non-final Office action was timely filed, and, thus, no reduction is appropriate.

Applicant's argument has been carefully considered, but is not found persuasive. A review of the record reveals that the non-final Office action was mailed March 6, 2009. The reply thereto was filed June 8, 2009, three months and two days after the mail date of the non-final Office action. Thus, in accordance with 37 CFR 1.704(b), a reduction of two days is appropriate.

Applicant's attention is directed to MPEP 2731 wherein it states in part:

“Moreover, 37 CFR 1.703(f) provides that the date indicated on any certificate of mailing or transmission under 37 CFR 1.8 shall not be taken into account in this calculation. The date indicated on a certificate of mailing is used only to determine whether the correspondence is timely (including whether any extension of the time and fee are required) so as to avoid abandonment of the application or termination or dismissal of

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

proceedings. The actual date of receipt of the correspondence in the Office is used for all other purposes. See 37 CFR 1.8(a). Thus, while the date indicated on any certificate of mailing or transmission under 37 CFR 1.8 will continue to be taken into account in determining timeliness, the date of filing (37 CFR 1.6) will be the date used in a patent term adjustment calculation.”

As the date of receipt of correspondence is the date used for the purposes of calculating patent term adjustment and reduction, the two day reduction accorded pursuant o 37 CFR 1.704(b) will not be restored.

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

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

/ALEZIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions



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JUN 27 2011

OFFICE OF PETITIONS

**JAMES RICHARDS
58 BONING RD
FAYETTEVILLE TN 37334**

In re Application of :
Adrian O'NEIL : **ON PETITION**
Application No. 11/955,010 :
Filed: December 12, 2007 :
Atty. Docket No.: 100002 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 27, 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 June 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 1.137(b) were obtained. The application went abandoned September 9, 200. A Notice of Abandonment was mailed January 6, 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 June 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 inquiries 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 3687 for further action on the filed Response.


Anthony Knight
Director
Office of Petitions



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MAILED
APR 12 2011
OFFICE OF PETITIONS

Joshua Kaplan
97 Aycrigg Avenue
Passaic NJ 07055

In re Application of :
Theodore Mcbain :
Application No. 11/955,085 : **DECISION ON PETITION**
Filed: December 12, 2007 :
Attorney Docket No. **1003 TM 02** :

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, September 11, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 12, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810, and (3) an adequate statement of unintentional delay. Accordingly, the response to the non-final office action of September 11, 2009 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

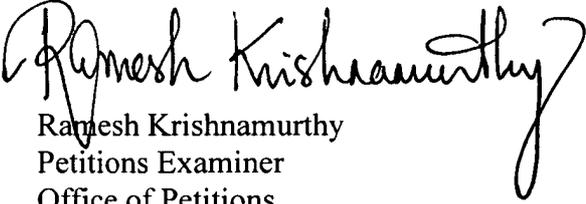
Petitioner should note that the Terminal disclaimer filed concurrently with the instant petition, is unnecessary in reviving this utility application that has been filed after June 8, 1995.

Also, the \$70 fee included with the Terminal Disclaimer, filed concurrently with the instant petition, is unnecessary. Petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patent, P. O. Box 1450, Alexandria, VA 22313-1450.

A copy of this decision should accompany petitioner's request.

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

This application is being referred to Technology Center AU 2612 for appropriate action on the concurrently filed amendment.



Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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DEC 05 2011

OFFICE OF PETITIONS

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

In re Patent No. 8,027,519 :
Issue Date: September 27, 2011 :
Application No. 11/955,114 : ON PETITION
Filed: December 12, 2007 :
Attorney Docket No. 0152-0783PUS1 :

This is a decision on the petition filed November 14, 2011, 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.



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

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MAY 02 2011

OFFICE OF PETITIONS

In re Application of :
Zu :
Application No. 11/955,173 : **DECISION ON PETITION**
Filed: December 12, 2007 :
Attorney Docket No. 70012200-0043-122 :

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

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a proper response to a non-final Office Action, which was mailed on July 27, 2010. The non-final Office Action set a three (3) month shortened statutory period for reply. Accordingly, this application became abandoned on November 28, 2010. A Notice of Abandonment was mailed on February 4, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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 3637 for appropriate action by the Examiner in the normal course of business on the reply received.

Charlema Grant
Petitions Attorney
Office of Petitions



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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

Mail Date: 08/05/2010

Applicant : Wei Chen : DECISION ON REQUEST FOR
Patent Number : 7679341 : RECALCULATION of PATENT
Issue Date : 03/16/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/955,273 : OF WYETH
Filed : 12/12/2007 :
:

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.



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**FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110**

MAILED

DEC 06 2010

In re Application of	:	OFFICE OF PETITIONS
Randall S. Alberte et al.	:	
Application No. 11/955,324	:	DECISION ON PETITION
Filed: December 12, 2007	:	TO WITHDRAW
Attorney Docket No. CEA-009.03	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed November 23, 2010.

The request is **APPROVED**.

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

The request was signed by Beth E. Arnold on behalf of all attorneys of record who are associated with Customer Number 25181.

All attorneys/agents associated with Customer Number 25181 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 assignee of the entire interest at the address indicated below.

There is an outstanding Office action mailed November 16, 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: Cernofina, LLC
c/o Daniel Amory, Esq., Drummond, Woodsum
84 Marginal Way, Suite 600
Portland, ME 04101-2480



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DONALD W. MEEKER
924 EAST OCEAN FRONT
E
NEWPORT BEACH CA 92661

MAILED

MAR 08 2011

In re Application of :
Rotondi et al. :
Application No. 11/955,403 :
Filed: December 13, 2007 :
Attorney Docket No. ROTONDI. :

OFFICE OF PETITIONS
DECISION ON PETITION

This is a decision on the renewed petition filed November 20, 2010 in 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.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed August 26, 2008. The Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on November 27, 2008. A Notice of Abandonment was mailed March 10, 2009.

A petition filed under 37 CFR 1.137(b) was dismissed on June 7, 2010. Petitioner was provided with a two month extendable period for reply. The petition was filed without an extension of time. The record shows a general authorization to charge a deposit account was not available. As such, the maximum extendable period has now expired.

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).

There are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b):

- (1) the delay in reply that originally resulted in the abandonment;
- (2) the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application;
and
- (3) the delay in filing a grantable petition pursuant to 37 CFR 1.137(b) to revive the application.

Currently, the delay has not been shown to the satisfaction of the Director to be unintentional for periods (2).

On renewed petition, petitioner must explain the delay in submitting a request for reconsideration.

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

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

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

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

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



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

DONALD W. MEEKER
924 EAST OCEAN FRONT
E
NEWPORT BEACH CA 92661

MAILED
SEP 12 2011
OFFICE OF PETITIONS

In re Application of :
Rotondi et al. :
Application No. 11/955,403 : DECISION ON PETITION
Filed: December 13, 2007 :
Attorney Docket No. ROTONDI. :

This is a decision on the renewed petition filed May 10, 2011 and supplemented August 5, 2011 in the above-identified application.

The petition is **Granted**.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed August 26, 2008. The Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on November 27, 2008. A Notice of Abandonment was mailed March 10, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment (2) the petition fee of \$810.00, and (3) a statement of unintentional delay.

Petitioner has appointed a representative to conduct all business before the U.S. Patent and Trademark Office (Office). The Office will not engage in dual correspondence with petitioner and petitioner's representative. Accordingly, petitioner must conduct all future correspondence with this Office through the representative of record. If petitioner no longer wishes to be represented by the representative of record, then a revocation of the power of attorney or patent agent should be submitted. A correspondence address must be included on the correspondence instructing the Office where all future communications are to be mailed. See 37 CFR 1.33(a).

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

This application is being referred to Technology Center AU 1793 for appropriate action by the Examiner in the normal course of business on the reply received.

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



Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Robert Rotundi
81 Manor Haven Blvd.
Port Washington, NY 11050

Enclosure



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Decision Date : July 12,2011

In re Application of :

Scott Curtis

Application No : 11955534

Filed : 13-Dec-2007

Attorney Docket No : 1116-083

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 July 12,2011

The request is **APPROVED**.

The request was signed by /R. Chad Bevins/ (registration no. 51468) on behalf of all attorneys/agents associated with Customer Number 71739 . All attorneys/agents associated with Customer Number 71739 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 Abo Enterprises, LLC
Name2
Address 1 7011 Fayetteville Road
Address 2 Suite 210
City Durham
State NC
Postal Code 27713
Country US

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

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

Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11955534	
Filing Date	13-Dec-2007	
First Named Inventor	Scott Curtis	
Art Unit	2175	
Examiner Name	RUAY HO	
Attorney Docket Number	1116-083	
Title	RESIZING TAG REPRESENTATIONS OR TAG GROUP REPRESENTATIONS TO CONTROL RELATIVE IMPORTANCE	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		71739
The reason(s) for this request are those described in 37 CFR: 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Abo Enterprises, LLC	
Address	7011 Fayetteville Road Suite 210	
City	Durham	
State	NC	
Postal Code	27713	
Country	US	

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

Signature	/R. Chad Bevins/
Name	/R. Chad Bevins/
Registration Number	51468



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Alexandria, VA 22313-1450
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NIXON & VANDERHYE PC / DSM DESOTECH INC.
11TH FLOOR, 901 NORTH GLEBE ROAD
ARLINGTON VA 22203

MAILED

FEB 02 2012

OFFICE OF PETITIONS

In re Application of Norlin et al. :
Application No. 11/955,614 : DECISION REFUSING STATUS
Filed: December 13, 2007 : ON PETITION
Attorney Docket No. ES-4676-1086 :
:

This is a decision on the petitions filed October 27, 2011, which are being collectively treated as (1) a request under 37 CFR 1.48(a) to amend the inventive entity by the deletion of Tyson Dean Norlin as inventor and addition of Xiaosong WU as the first named inventor, and (2) a petition under 37 CFR 1.183 requesting waiver of the requirement under 37 CFR 1.48(a)(2) for a statement from the person being deleted as an inventor that the inventorship error occurred without deceptive intent on his part.

The petitions are **DISMISSED**.

Rule 47 applicant is given TWO (2) 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 §§1.48(a) and 1.183," and should only address the deficiencies noted below, except that the reply may include a statement under 37 CFR 1.48(a)(2) executed by the currently non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in a nonprovisional application, and such error arose without any deceptive intention on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the inventorship of the nonprovisional application may be amended to name only the actual inventor or inventors.

Petition under 37 CFR 1.48(a) to amend the inventive entity by the deletion of Tyson Dean Norlin as inventor and addition of Xiaosong WU as the first named inventor

37 CFR 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

- (1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
- (4) The processing fee set forth in § 1.17(i); and
- (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b)).

The request under 37 CFR 1.48(a) lacks compliance with items (2) and (5) as explained below.

Regarding Item (2):

On very infrequent occasions, the requirements of 37 CFR 1.48(a)(2) have been waived upon the filing of a petition and fee under 37 CFR 1.183 (along with the request and fee under 37 CFR 1.48(a)) to permit the filing of a statement by less than all the parties required to submit a statement. *In re Cooper*, 230 USPQ 638, 639 (Dep. Assist. Comm'r Pat. 1986). However, such a waiver will not be considered unless the facts of record unequivocally support the correction sought. *In re Hardee*, 223 USPQ 1122, 1123 (Comm'r Pat. 1984).

In order for a petition under 37 CFR 1.183 to be granted, petitioner must demonstrate existence of an extraordinary situation where justice requires the waiver of one or more federal regulations. On very infrequent occasions, the requirements of 37 CFR 1.48(a)(2) may be waived upon the filing of a request and the fee set forth in § 1.17(f) for a petition under 37 CFR 1.183 to permit an amendment to the inventive entity. In such circumstances, the USPTO will consider a petition under 37 CFR 1.183 requesting waiver of the requirement of 37 CFR 1.48(a)(2) that each of the deleted inventors execute the statement, particularly where assignee consent is given to the requested correction. Absent assignee consent, the petition under 37 CFR 1.183 requesting waiver of the required statement will be evaluated as to whether the nonsigning inventor was actually given the opportunity to execute the statement, or whether the nonsigning inventor could not be reached. In essence, petitioner must show that the inability to obtain the signature on the statement from the non-signing inventor Tyson Dean Norlin is, notwithstanding the exercise of reasonable care and diligence, due to circumstances beyond his control.

The declaration executed by Laurie Tollas in support of the above petition has been reviewed. The declaration by Tollas states that the address to which the letters requesting Mr. Norlin's signature were mailed as "the address that DSM had for him." However, it is not clear from the instant petition and the Tollas declaration, if Tyson Dean Norlin refused to execute such a statement. Petitioner has not demonstrated that all efforts were expended in trying to locate the

non-signing inventor Norlin. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be documented in any future petition for reconsideration. Additionally, petitioner should state whether he has access to inventor Norlin's personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? A cover letter of instructions should accompany the mailing of the application papers **setting a deadline or a statement that no response will constitute a refusal**. If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions. See MPEP§ 409.03(d).

The instant petition lacks an adequate showing of "an extraordinary situation" in which "justice requires" suspension of rules. Accordingly, the petition requesting waiver under 37 CFR 1.183 of the requirement under 37 CFR 1.48(a)(2) cannot be granted at this time.

Regarding Item (5):

Every existing assignee of the original named inventors must give its consent to the requested correction. Where there is more than one assignee giving its consent, the extent of that interest (percentage) should be shown. Where no assignment has been executed by the inventors, or if deletion of a refusing inventor is requested, waiver will not be granted absent unequivocal support for the correction sought.

The document entitled "CONSENT OF ASSIGNEE TO INVENTORSHIP CHANGE" has been reviewed. However, the statement therein is not accepted as it is not clear if the person whose signature appears thereon is authorized to sign on behalf of the assignee. See MPEP§ 324 (V).

In view of the above, the petition under 37 CFR 1.48(a) to amend the inventive entity by the deletion of Tyson Dean Norlin as inventor and addition of Xiaosong WU, is DISMISSED.

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

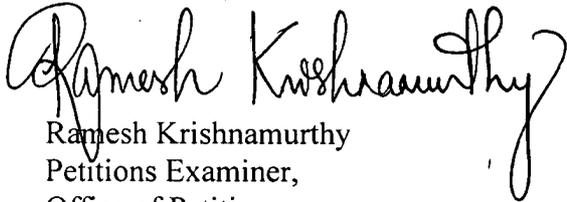
By Mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By Hand: U. S. Patent and Trademark Office
 Customer Window, Mail Stop PETITIONS
 401 Dulany Street

Alexandria, VA 22314

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

Telephone inquiries should be directed to the undersigned at (571) 272-4914.

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

Ramesh Krishnamurthy
Petitions Examiner,
Office of Petitions



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

MAILED

AUG 23 2010

OFFICE OF PETITIONS

In re Application of :
Andrey Jivsov :
Application No. 11/955,671 :
Filed: December 13, 2007 :
Attorney Docket No. PGPC-017/00US 302055- :
2034 :

**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 28, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The Office 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 whose 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 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 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: SYMANTEC / FENWICK
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/955,690 12/13/2007 Joseph C. Bacarella 1316N-001712 6107

7590 03/16/2011
HARNES, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

Table with 1 column: EXAMINER

GRAHAM, GARY K

Table with 2 columns: ART UNIT, PAPER NUMBER

3727

Table with 2 columns: MAIL DATE, DELIVERY MODE

03/16/2011

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

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

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

Mimi Farmer
Patent Publication Branch
Office of Data Management



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JENSEN + PUNTIGAM, P.S.
2033 6th Ave, Suite 1020
SEATTLE WA 98121

MAILED

AUG 19 2010

In re Application of : OFFICE OF PETITIONS
Richard James Laconte :
Application No. 11/955762 : DECISION
Filing or 371(c) Date: 12/13/2007 : ON PETITION
Title of Invention: SELECTIVE RELEASE LATCH :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 6, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of August 4, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Accordingly, the date of abandonment of this application is November 5, 2009.

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

It is noted that Applicant filed a three (3) month extension of time with the petition. Applicant is advised that an extension of time is only available to extend the period to reply to an Office action during the extendable period. Once the reply period, including the maximum extendable period, has lapsed, the application becomes abandoned (as of the day after the reply was due). No extensions of time are available. The extension of time fee has been refunded to petitioner's deposit account.

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

This application is being referred to Technology Center AU 3673 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.

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

MAILED
DEC 06 2010
OFFICE OF PETITIONS

In re Patent No. 7,719,679 :
Hell et al. :
Issue Date: May 18, 2010 :
Application No. 11/955,793 : LETTER REGARDING
Filed: December 13, 2007 : FEE DEFICIENCY PAYMENT
Atty Docket No. 051812-1640 :

This is in response to the NOTIFICATION OF ERROR IN PAYMENT OF FEE(S) AS A SMALL ENTITY (37 C.F.R. §1.28(C)) filed September 27, 2010, notifying the Office of loss of entitlement to small entity status. It is acknowledged as stated by patentees that a NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS (including itemization of fees then due) was previously filed in this Office on February 4, 2008 but not acted on by the Office. This letter also responds to that Notice.

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.

This letter includes an itemization of the fee deficiencies and payment as required by 37 CFR 1.28(c)(2)(ii).

Your notification of a loss of entitlement to small entity status is made of record and your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Patent No. 7,719,679

Application No. 11/955,793

Page 2

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



Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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

MAILED

JUL 21 2011

OFFICE OF PETITIONS

In re Application :
Jakke Makela et al. :
Application No. 11/955,839 : DECISION ON APPLICATION
Filed: December 13, 2007 : FOR PATENT TERM ADJUSTMENT
Attorney Docket No. 088245-1248 :

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT APPLICATION UNDER 37 C.F.R. §1.705(b) filed June 29, 2011. Applicant requests that the determination of patent term adjustment be corrected from 175 to 484 days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and is considered in light of the recent court decision in light of the Court of Appeals for the Federal Circuit's decision in *Wyeth v. Kappos*, 2009-1120 (Fed. Cir. 1-7-2010).

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

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

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

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

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

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

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

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



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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



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

MAILED

SEP 15 2011

OFFICE OF PETITIONS

In re Patent No. 8,015,444 :
Issued: September 6, 2011 : LETTER REGARDING
Application No. 11/955,839 : PATENT TERM ADJUSTMENT
Filed: December 13, 2007 :
Attorney Docket No 088245-1248 :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT APPLICATION UNDER 37 CFR 1.705(b)" filed on September 14, 2011, requesting that the patent term adjustment indicated on the above-identified patent be corrected from 277 days to 400 days. Since the patent has issued, the petition is being treated under 37 CFR 1.705(d).

The request for review of the patent term adjustment is **DISMISSED**.

Patentee is given **THIRTY (30) DAYS or ONE (1) MONTH, whichever is longer**, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The patent term adjustment indicated in the patent is properly reflected.

The period consumed by appellate review, whether successful or not, is excluded from the calculation of B delay. See 35 U.S.C. 154(b)(1)(B)(ii). An appeal to the Board of Patent Appeals and Interferences commences with the filing of a notice of appeal. See 35 U.S.C. 134(a). Generally, an appeal to the Board of Patent Appeals and Interferences ends with either 1) a Board decision, 2) the examiner reopening prosecution and issuing another Office action, or 3) the applicant filing a request to withdraw the appeal and reopen prosecution (e.g. the filing of a request for continued examination). In this instance, the period consumed by appellate review, begins on March 23, 2010 and ends on July 23, 2010, with the mailing of the non-Final Office Action, which is not included in the B delay. See 35 U.S.C. § 154(b)(1)(B)(ii). Thus, B delay is 144 days. As such, the patent term adjustment is 277 (175 "A delay" days + 144 "B delay" days - 42 Applicant delay days) days, not 400 days.

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/5/2010

TO SPE OF : ART UNIT 3691 (3600)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/955,854 Patent No.: 7,461,027

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, LRE
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.

SEE ATTACHED

SPE



ART UNIT

3691

Art Unit: 3691

Applicant submitted a Request for Reconsideration of Denial of the Certificate of Correction dated 3/17/2010. Applicant submitted a Certificate of Correction on 12/19/2008. In response, a Denial of the Certificate of Correction was mailed on 3/13/2009. Applicant requested in the Request for Reconsideration of Denial of the Certificate of Correction that the denial of the Certificate of Correction be rescinded and the appendixes published or that the denial of the Certificate of Correction be revised to state that appendixes are not published and the US Patent Office issue a certificate of Correction indicating on the front page of issued Patent 7,461,027 that the patent contains appendixes that are not published but are available to the public. After careful consideration of Applicant's arguments, the Request for Reconsideration of Denial of the Certificate of Correction is denied.

Applicant argued that Appendix A and Appendix B were clearly part of the specification and that at no time did Applicant receive any correspondence from US Patent and Trademark Office indicating that Appendix A did not comply with 37 CFR 1.52. However, it is noted that 37 CFR 1.52 and 37 CFR 1.96 describe the types of documents that may be submitted in electronic form and identified as an Appendix to the specification (e.g. sequence listing, large tables and computer code listing). The specific types of documents listed in 37 CFR 1.52(e) and 37 CFR 1.96 are the type of documents that may be submitted in an Appendix since the document types (e.g. sequence listing, tables and computer code listing) are the only explicitly named document types listed in 37 CFR 1.52(2) and 37 CFR 1.96. The two Appendixes in the instant application are not a) a sequence listing, b) a table or c) a computer code listing.

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Therefore, Appendix A and Appendix B in the instant application are not the type of document that is proper for an Appendix. In addition, the page numbering of Appendix A and Appendix B do not conform to the requirements of 37 CFR 1.52(b). Appendix A and Appendix B contain small text and Tables of Contents sections that refer to page numbering in Appendix A and Appendix B that is not in conformance with the requirements of 37 CFR 1.52(b). Therefore, Appendix A and Appendix B do not comply with the requirements of 37 CFR 1.52 and 37 CFR 1.96 and Applicant's Request for Reconsideration of Denial of the Certificate of Correction is denied.

/Alexander Kalinowski/

Supervisory Patent Examiner, Art Unit 3691



UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Patent No. 7,461,027 :
Issue Date: 2 December, 2008 :
Application No. 11/955,854 :
Filed: 13 December, 2007 :
Attorney Docket No. 160245-104U1 :

ON PETITION

This is decision on the petition filed on 12 August, 2010, treated as a request pursuant to the regulations at 37 C.F.R. §1.181 and/or 37 C.F.R. §1.182 to invoke the authority of the Director and/or 37 C.F.R. §1.183 to waive the regulatory provisions and so to include approximately 245 pages of appendices into the above-identified patent by way of a Certificate of Correction.

The petition pursuant to 37 C.F.R. §1.181, §1.182 for invocation of supervisory authority and pursuant to 37 C.F.R. §1.183 to waive requirements under the Rules of Practice is **DISMISSED**.

In essence, Petitioner seeks to have included in the patent certain materials—averred to have been left out of the patent due to Office error—which appear to have been documents drafted to be filed before another agency (i.e., the Securities and Exchange Commission) as an “Application *** for an Order of Exemption”).

(Further demonstrating and adding to the ongoing and continuing lack of clarity of Petitioner’s submissions before the Office before and after allowance and issue, there is no indication as to whether or not the appendices in question ever were filed before any other agency.)

These documents—specifically: “Appendix A” (111 pages) and “Appendix B” (134 pages) appear to have been submitted on deposit of the application, but there appears to have been no reference to either document in the specification (description, claims, abstract, drawings) on deposit.

Moreover, there appears to have been no reference by Petitioner to the documents Appendix A and/or Appendix B in the specification prior to, or by the Examiner in the Notice of Allowance/Allowability and/or in the Examiner’s Amendment.

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Nonetheless, Petitioner has deemed that:

- an error was made because these materials were not included in the issued patent; and
- the error of not including the materials was that of the Office.

If Petitioner noted an error or other exclusion from the patent on issue, evidencing a defect in the patent, Petitioner's proper methodology to address such an error was by way of reissue. (*See*: 35 U.S.C §251; 37 C.F.R. §1.171, et seq.; MPEP §1401, et seq.)

Instead Petition chose to ignore reissue and to seek "correction."

Thus, the basis for Petitioner's argument, in the absence of facts and/or law (statutes (35 U.S.C.), regulations (37 C.F.R.) and/or policy (MPEP)) in support thereof, appeared to have been of the "because I said so" variety.

Notably, Petitioner—apparently in a fashion as uncertain and undefined as that of the application on deposit—set forth regulatory citations as alternative bases for the petition without any determination on his part as to the:

- requirements of those regulatory provisions, or
- compliance therewith.

A review of the record herein reveals that the Office refused Petitioner's prior request for a certificate of correction on 6 November, 2009. Petitioner thereafter ignored the instant matter until 17 March, 2010, and at that time invoked a request for the supervisory authority of the Director. Such requests, express or not, are invoked pursuant to the regulations at 37 C.F.R. §1.181—which underlie the regulations at 37 C.F.R. §1.182 and §1.183—and all relief requested thereunder must be sought within two (2) months of the act complained of.

The regulations at 37 C.F.R. §1.181—which underlie other such provisions seeking to invoke the authority of the Director (i.e., 37 C.F.R. §1.182 and §1.183— provide:

§ 1.181 Petition to the Director.

(a) Petition may be taken to the Director:

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- (1) From any action or requirement of any examiner in the *ex parte* prosecution of an application, or in *ex parte* or *inter partes* prosecution of a reexamination proceeding which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court;
 - (2) In cases in which a statute or the rules specify that the matter is to be determined directly by or reviewed by the Director; and
 - (3) To invoke the supervisory authority of the Director in appropriate circumstances. For petitions involving action of the Board of Patent Appeals and Interferences, see § 41.3 of this title.
- (b) Any such petition must contain a statement of the facts involved and the point or points to be reviewed and the action requested. Briefs or memoranda, if any, in support thereof should accompany or be embodied in the petition; and where facts are to be proven, the proof in the form of affidavits or declarations (and exhibits, if any) must accompany the petition.
- (c) When a petition is taken from an action or requirement of an examiner in the *ex parte* prosecution of an application, or in the *ex parte* or *inter partes* prosecution of a reexamination proceeding, it may be required that there have been a proper request for reconsideration (§ 1.111) and a repeated action by the examiner. The examiner may be directed by the Director to furnish a written statement, within a specified time, setting forth the reasons for his or her decision upon the matters averred in the petition, supplying a copy to the petitioner.
- (d) Where a fee is required for a petition to the Director the appropriate section of this part will so indicate. If any required fee does not accompany the petition, the petition will be dismissed.
- (e) Oral hearing will not be granted except when considered necessary by the Director.
- (f) The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. 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.

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(g)The Director may delegate to appropriate Patent and Trademark Office officials the determination of petitions.

The regulations at 37 C.F.R. §1.182 provide:

§ 1.182 Questions not specifically provided for.

All situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Director, subject to such other requirements as may be imposed, and such decision will be communicated to the interested parties in writing. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in §1.17(f).

The regulations at 37 C.F.R. §1.183 provide:

§ 1.183 Suspension of rules.

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

The regulations at 37 C.F.R. §1.322 provide:

§ 1.322 Certificate of correction of Office mistake.

(a)(1)The Director may issue a certificate of correction pursuant to 35 U.S.C. §254 to correct a mistake in a patent, incurred through the fault of the Office, which mistake is clearly disclosed in the records of the Office:

(i)At the request of the patentee or the patentee's assignee;

(ii)Acting *sua sponte* for mistakes that the Office discovers; or

(iii)Acting on information about a mistake supplied by a third party.

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Application No. 11/955,854

(2)(i) There is no obligation on the Office to act on or respond to a submission of information or request to issue a certificate of correction by a third party under paragraph (a)(1)(iii) of this section.

(ii) Papers submitted by a third party under this section will not be made of record in the file that they relate to nor be retained by the Office.

(3) If the request relates to a patent involved in an interference, the request must comply with the requirements of this section and be accompanied by a motion under §41.121(a)(2) or §41.121(a)(3) of this title.

(4) The Office will not issue a certificate of correction under this section without first notifying the patentee (including any assignee of record) at the correspondence address of record as specified in § 1.33(a) and affording the patentee or an assignee an opportunity to be heard.

(b) If the nature of the mistake on the part of the Office is such that a certificate of correction is deemed inappropriate in form, the Director may issue a corrected patent in lieu thereof as a more appropriate form for certificate of correction, without expense to the patentee.

Although Petitioner failed to refer to them, the regulations at 37 C.F.R. §1.323 provide:

§ 1.323 Certificate of correction of applicant's mistake.

The Office may issue a certificate of correction under the conditions specified in 35 U.S.C. §255 at the request of the patentee or the patentee's assignee, upon payment of the fee set forth in §1.20(a). If the request relates to a patent involved in an interference, the request must comply with the requirements of this section and be accompanied by a motion under §41.121(a)(2) or §41.121(a)(3) of this title.

The Technology Center on review of the matter denied Petitioner's request for a certificate of correction on 5 August, 2010.

If Petitioner had a basis for submitting the petition—and there was none in evidence on the face of the petition—it was Petitioner's burden to be express in the basis and compliant with the requirements.

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There was/is no indication of record that:

- fees were submitted or authorized—there was no indication in the instant petition or in that of 17 March, 2010—as to whether the single fee authorized was for consideration pursuant to 37 C.F.R. §1.182 or §1.183—in this matter; and
- the materials sought to be included ever were submitted by Petitioner for examination and/or were amended into the specification (description, claims, abstract, drawings), or otherwise were submitted for reference pursuant to an information disclosure statement.

Petition(s) cannot be considered in substance in the absence of the appropriate fees therefor. And it was Petitioner's responsibility to ensure that the appropriate content of the application, such as Petitioner wished to have had included in any patent to issue, was properly provided and not buried in or tagged on to other papers. (*See*, generally: 37 C.F.R. §1.4.)

Moreover, as with the original deposit of materials on 13 December, 2007, Petitioner's submission of the basis for his complaint as filed and suggested authorizations for the Office to act are undefined/ill-defined. Petitioner wishes that the Office do now as Petitioner apparently wished the Office to do on 13 December, 2007—guess at, fathom, or imagine Petitioner's intent(s).

The Office will not infer or seek to interpret Petitioner's thinking and/or intentions. Petitioner should have been express on deposit (or later proper and timely amendment) of the application. Failing that, Petitioner should have been express and timely in the filing of a reissue application, or timely in seeking relief pursuant to the Rules of Practice.

To that end, as noted earlier a review of history of the instant matter demonstrates that the Office refused Petitioner's prior request for a certificate of correction on 6 November, 2009. Petitioner thereafter ignored the instant matter until 17 March, 2010, and at that time invoked a request for the supervisory authority of the Director. Such requests are invoked—expressly or not—pursuant to the regulations at 37 C.F.R. §1.181, which underlie the regulations at 37 C.F.R. §1.182 and §1.183, and all relief requested thereunder must be sought within two (2) months of the act complained of.

Clearly, Petitioner ignored this deadline and appears to have buried the fact—unintentionally or otherwise—by invoking only the regulations at 37 C.F.R. §1.182 and §1.183 on 17 March, 2010. Petitioner further compounded his error by authorizing the fee for only one of the two regulatory

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provisions. In any case, the petition(s) was (were) untimely and should have been dismissed out of hand.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Petitioner's request does not satisfy the requirements of 37 C.F.R. §1.322, and does not satisfy or otherwise comply with the requirements of 37 C.F.R. §1.323, or the requirements of 37 C.F.R. §1.182 or §1.183. Thus, it is not appropriate for a certificate of correction to issue in the form and substance sought.

Accordingly, the petition(s) as considered pursuant to 37 C.F.R. §1.322 and §1.323, as well as pursuant to 37 C.F.R. §1.182 and §1.183 is (are) **dismissed**

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).

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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. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



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

² The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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



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OFFICE OF PETITIONS

In re Patent No. 7,461,027	:	
Issue Date: 2 December, 2008	:	
Application No. 11/955,854	:	ON PETITION
Filed: 13 December, 2007	:	
Attorney Docket No. 160245-104U1	:	

This is decision on the petition filed on 17 February, 2011, treated as a request pursuant to the regulations at 37 C.F.R. §1.181 and/or 37 C.F.R. §1.182 to invoke the authority of the Director and/or 37 C.F.R. §1.183 to waive the regulatory provisions pursuant to 37 C.F.R. §1.323 and so to include approximately 245 pages of appendices into the above-identified patent by way of a Certificate of Correction.

NOTES:

For the second time,¹ Petitioner seeks expressly or otherwise the intervention of the Director² pursuant, *inter alia*, to the regulations at 37 C.F.R. §1.181 and/or 37 C.F.R. §1.182 to invoke the authority of the Director and/or 37 C.F.R. §1.183 to waive the regulatory provisions pursuant to 37 C.F.R. §1.323 to have included in the patent certain materials which appear to have been drafted to be filed before another agency.³

Petitioner averred in the instant petition that the materials were left out of the patent due to Petitioner’s error—an averment that is in contrast to Petitioner’s earlier assertion that the problem occurred due to Office error.

These materials—specifically: “Appendix A” (111 pages) and “Appendix B” (134 pages) appear to have been submitted on deposit of the application.

¹ See: Petition of 12 August, 2010.

² Pursuant to the regulations at 37 C.F.R. §1.181 and/or 37 C.F.R. §1.182 to invoke the authority of the Director and/or 37 C.F.R. §1.183.

³ The Securities and Exchange Commission as an “Application *** for an Order of Exemption.” As noted in the decision of 24 January, 2011, “[f]urther demonstrating and adding to the ongoing and continuing lack of clarity of Petitioner’s submissions before the Office before and after allowance and issue, there is no indication as to whether or not the appendices in question ever were filed before any other agency.” It does not appear that Petitioner ever clarified this matter.

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Petitioner previously was reminded that review of the record herein revealed that the Office refused Petitioner's prior request for a certificate of correction on 6 November, 2009. Petitioner thereafter ignored the matter until 17 March, 2010, and at that time invoked a request for the supervisory authority of the Director.

Such requests, express or not, are invoked pursuant to the regulations at 37 C.F.R. §1.181—which underlie the regulations at 37 C.F.R. §1.182 and §1.183—and all relief requested thereunder must be sought within two (2) months of the act complained of.⁴

⁴ The regulations at 37 C.F.R. §1.181—which underlie other such provisions seeking to invoke the authority of the Director (i.e., 37 C.F.R. §1.182 and §1.183— provide:

§ 1.181 Petition to the Director.

(a) Petition may be taken to the Director:

(1) From any action or requirement of any examiner in the *ex parte* prosecution of an application, or in *ex parte* or *inter partes* prosecution of a reexamination proceeding which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court;

(2) In cases in which a statute or the rules specify that the matter is to be determined directly by or reviewed by the Director; and

(3) To invoke the supervisory authority of the Director in appropriate circumstances. For petitions involving action of the Board of Patent Appeals and Interferences, see § 41.3 of this title.

(b) Any such petition must contain a statement of the facts involved and the point or points to be reviewed and the action requested. Briefs or memoranda, if any, in support thereof should accompany or be embodied in the petition; and where facts are to be proven, the proof in the form of affidavits or declarations (and exhibits, if any) must accompany the petition.

(c) When a petition is taken from an action or requirement of an examiner in the *ex parte* prosecution of an application, or in the *ex parte* or *inter partes* prosecution of a reexamination proceeding, it may be required that there have been a proper request for reconsideration (§ 1.111) and a repeated action by the examiner. The examiner may be directed by the Director to furnish a written statement, within a specified time, setting forth the reasons for his or her decision upon the matters averred in the petition, supplying a copy to the petitioner.

(d) Where a fee is required for a petition to the Director the appropriate section of this part will so indicate. If any required fee does not accompany the petition, the petition will be dismissed.

(e) Oral hearing will not be granted except when considered necessary by the Director.

(f) The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. 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.

(g) The Director may delegate to appropriate Patent and Trademark Office officials the determination of petitions.

The regulations at 37 C.F.R. §1.182 provide:

§ 1.182 Questions not specifically provided for.

All situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Director, subject to such other requirements as may be imposed, and such decision will be

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Petitioner appears to have abandoned his earlier inappropriate claim for relief pursuant to the regulations at 37 C.F.R. §1.322.⁵

Petitioner now also seeks relief pursuant to the regulations at 37 C.F.R. §1.323.⁶ The guidance as to the regulations 37 C.F.R. §1.323 may be found in the Commentary at MPEP §1481.⁷

communicated to the interested parties in writing. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in §1.17(f).

The regulations at 37 C.F.R. §1.183 provide:

§ 1.183 Suspension of rules.

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).

⁵ The regulations at 37 C.F.R. §1.322 provide:

§ 1.322 Certificate of correction of Office mistake.

(a)(1)The Director may issue a certificate of correction pursuant to 35 U.S.C. §254 to correct a mistake in a patent, incurred through the fault of the Office, which mistake is clearly disclosed in the records of the Office:

(i)At the request of the patentee or the patentee's assignee;

(ii)Acting *sua sponte* for mistakes that the Office discovers; or

(iii)Acting on information about a mistake supplied by a third party.

(2)(i)There is no obligation on the Office to act on or respond to a submission of information or request to issue a certificate of correction by a third party under paragraph (a)(1)(iii) of this section.

(ii)Papers submitted by a third party under this section will not be made of record in the file that they relate to nor be retained by the Office.

(3)If the request relates to a patent involved in an interference, the request must comply with the requirements of this section and be accompanied by a motion under §41.121(a)(2) or §41.121(a)(3) of this title.

(4)The Office will not issue a certificate of correction under this section without first notifying the patentee (including any assignee of record) at the correspondence address of record as specified in § 1.33(a) and affording the patentee or an assignee an opportunity to be heard.

(b)If the nature of the mistake on the part of the Office is such that a certificate of correction is deemed inappropriate in form, the Director may issue a corrected patent in lieu thereof as a more appropriate form for certificate of correction, without expense to the patentee.

⁶ The regulations at 37 C.F.R. §1.323 provide:

§ 1.323 Certificate of correction of applicant's mistake.

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The Examiner has indicated concurrence in the issuance of the Certificate of Correction in the form and substance sought herein.

The petition pursuant to the regulations at 37 C.F.R. §1.181, §1.182 for invocation of supervisory authority and pursuant to 37 C.F.R. §1.183 to waive requirements under the Rules of Practice and for a Certificate of Correction in the form and substance sought pursuant to 37 C.F.R. §1.323 is **GRANTED in part and DISMISSED in part.**

The Office may issue a certificate of correction under the conditions specified in 35 U.S.C. §255 at the request of the patentee or the patentee's assignee, upon payment of the fee set forth in §1.20(a). If the request relates to a patent involved in an interference, the request must comply with the requirements of this section and be accompanied by a motion under §41.121(a)(2) or §41.121(a)(3) of this title.

⁷ The guidance in the Commentary at MPEP §1481 provides:

37 C.F.R. §1.323 relates to the issuance of Certificates of Correction for the correction of errors which were not the fault of the Office. Mistakes in a patent which are not correctable by Certificate of Correction may be correctable via filing a reissue application (see MPEP § 1401 - § 1460). See *Novo Industries, L.P. v. Micro Molds Corporation*, 350 F.3d 1348, 69 USPQ2d 1128 (Fed. Cir. 2003) (The Federal Circuit stated that when Congress in 1952 defined USPTO authority to make corrections with prospective effect, it did not deny correction authority to the district courts. A court, however, can correct only if "(1) the correction is not subject to reasonable debate based on consideration of the claim language and the specification and (2) the prosecution history does not suggest a different interpretation...").

In re Arnott, 19 USPQ2d 1049, 1052 (Comm'r Pat. 1991) specifies the criteria of 35 U.S.C. 255 (for a Certificate of Correction) as follows:

Two separate statutory requirements must be met before a Certificate of Correction for an applicant's mistake may issue. The first statutory requirement concerns the nature, i.e., type, of the mistake for which a correction is sought. The mistake must be:

- (1) of a clerical nature,
- (2) of a typographical nature, or
- (3) a mistake of minor character.

The second statutory requirement concerns the nature of the proposed correction. The correction must not involve changes which would:

- (1) constitute new matter or
- (2) require reexamination.

If the above criteria are not satisfied, then a Certificate of Correction for an applicant's mistake will not issue, and reissue must be employed as the vehicle to "correct" the patent. Usually, any mistake affecting claim scope must be corrected by reissue. A mistake is not considered to be of the "minor" character required for the issuance of a Certificate of Correction if the requested change would materially affect the scope or meaning of the patent. See also MPEP §1412.04 as to correction of inventorship via certificate of correction or reissue.

The fee for providing a correction of applicant's mistake, other than inventorship, is set forth in 37 C.F.R. §1.20(a). The fee for correction of inventorship in a patent is set forth in 37 C.F.R. §1.20(b).

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It is noted that:

- The instant patent issued on 2 December, 2008;
- On 19 December, 2008, Petitioner requested a Certificate of Correction, and that request was denied on review by the Supervisory Patent Examiner (SPE) on 13 March, 2009;
- A further statement of denial in the Technology Center was mailed on 6 November, 2009;
- Petitioner delayed until 17 March, 2010, to seek supervisory review of that decision;
- The Technology Center repeated the 6 November, 2009, denial of Petitioner's request for a certificate of correction on 5 August, 2010; and
- Petitioner commenced on 12 August, 2010, what would be his second-second bite at the review apple (dismissed on 28 January, 2011), and his 17 February, 2011, third-second bite at the review apple; and
- The Examiner now has indicated concurrence in this matter as to a Certificate of Correction in the form and of the substance sought.

Petitioner finally has authorized fees previously due on petition—and they are now charged as authorized.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.⁸

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.

⁸ 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).

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Petitioner's request appears now to satisfy the requirements of the regulations at or 37 C.F.R. §1.182 and §1.323, and it is appropriate for a certificate of correction to issue in the form and substance sought; it is noted however, that there has been no showing of extraordinary circumstances as required pursuant to the regulations at 37 C.F.R. §1.183, and the matter is moot as to the regulations at 37 C.F.R. §1.181.

Accordingly, the petition is granted in part and dismissed in part as follows: the petition as considered pursuant to the regulations at:

- 37 C.F.R. §1.182 §1.323 is **granted**;
- 37 C.F.R. §1.183 is **dismissed**, and
- 37 C.F.R. §1.181 is **dismissed as moot**.

This matter is being referred to the Certificate of Correction Branch for processing of a certificate of correction. Any questions in this regard should be directed to (571) 272-4200.

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. §1.2⁹) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



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

⁹ The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/955,926	12/13/2007	Takafumi ITO	319716US2S	6557
22850	7590	03/01/2012	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			TSAI, SHENG JEN	
			ART UNIT	PAPER NUMBER
			2186	
			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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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

In re Application of: ITO et al.
Application No. 11/955,926
Filed: December 13, 2007
For: **MEMORY DEVICE WITH NON-
VOLATILE MEMORY BUFFER**

DECISION ON PETITION

This is a decision on the petition filed on February 02, 2012, under 37 CFR 1.181(a) to invoke Supervisory Authority requesting that the Documetns (AK), (AL), and (AN)-(AU) listed in the IDS filed on December 12, 2011, be considered by the Examiner.

A review of the file wrapper record shows that a PTO-form 1449, containing the referenced (AK) and (AL), duly considered, was mailed by examiner in the instant application on February 29, 2012. Further the communication mailed on February 29, 2012 also provided the explanation for non-consideration of the references AN-AU.

Accordingly, in view of the above stated reason, the instant petition, filed under 37 CFR §1.181 in this application, is rendered moot.

Accordingly, the Petition is **DISMISSED as moot**.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-4210.



Mano Padmanabhan, WQAS
Technology Center 2100
Computer Architecture, Software, and Information Security



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Decision Date : March 26, 2012

In re Application of :

Takafumi ITO

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11955926

Filed : 13-Dec-2007

Attorney Docket No : 319716US2S

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 2186 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	11955926
Filing Date	13-Dec-2007
First Named Inventor	Takafumi ITO
Art Unit	2186
Examiner Name	SHENG JEN TSAI
Attorney Docket Number	319716US2S
Title	MEMORY DEVICE WITH NON-VOLATILE MEMORY BUFFER

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	/Carl E. Schlier/
Name	Carl E. Schlier
Registration Number	34426



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/955,936	12/13/2007	Tomokazu Kojima	056937-0415	6579
53080	7590	12/14/2010	EXAMINER	
MCDERMOTT WILL & EMERY LLP			MOON, SEOKYUN	
600 13TH STREET, NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005-3096			2629	
			MAIL DATE	DELIVERY MODE
			12/14/2010	PAPER

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

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



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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

MAIL

DEC 1 4 2010
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
KOJIMA, TOMOKAZU	:	DECISION ON REQUEST TO
Application No. 11/955,936	:	PARTICIPATE IN PATENT
Filed: December 13, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 056937-0415	:	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 November 24, 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 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



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MINNEAPOLIS MN 55440-1022

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JAN 12 2012

OFFICE OF PETITIONS

In re Patent No. 8,051,076	:DECISION ON REQUEST
Issued: November 1, 2011	: FOR RECONSIDERATION
Application No. 11/955,975	: OF PATENT TERM ADJUSTMENT
Filed: December 13, 2007	: AND
Attorney Docket No. 16113-1009001	: NOTICE OF INTENT TO ISSUE
	: CERTIFICATE OF CORRECTION

This is a decision on the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d) filed on December 29, 2011, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted from 496 to 628 days.

The request for review of the patent term adjustment is **GRANTED** to the extent indicated herein.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of THREE HUNDRED FORTY-FIVE days.

Patentees are given **THIRTY (30) DAYS or ONE (1) MONTH, whichever is longer**, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

On September 20, 2011, the above-identified application matured into U.S. Patent No. 8,024,316 with a patent term adjustment of 343 days. On November 21, 2011, Patentees submitted the instant application.

Patentees dispute the reduction of 1 day for the response filed March 14, 2011. The USPTO mailed a Final Office Action to the applicants on December 13, 2010, setting a shortened statutory period of three months to reply. The three month response date fell on March 13, 2011, which was a weekend. The applicants filed a response to the Office Action on March 14, 2011, and argues that the period of delay should be calculated from March 14, 2011, the next business day.

In *Arque v. Kappos*, __ F.Supp.2d __ (D.D.C. 2011), the District Court of the District of Columbia ruled that the 35 U.S.C. § 21 (b) "weekend and holiday" exception applies to "any action" including the § 154(b)(2)(C) Accordingly, because March 13, 2011 was a

weekend, the time period to calculate Applicant delay commenced on March 14, 2011 rather than March 13, 2011. Therefore, a delay of 1 day was accrued, corresponding to the time period between March 13, 2011 (three months after the mailing date of the Office Action, in accordance with 37 CFR §1.704(b)) and March 14, 2011. Applicants respectfully request the Office to remove the 1 day of Applicant delay and correct the total Applicant delay from 31 days to 30 days as it relates to 37 CFR §1.704(b)).

The reduction is being reconsidered and, based upon the decision in the Arquele case, it is determined that entry of a reduction for this reply timely filed pursuant to 35 U.S.C. §21(b) is not warranted.

Thus, instead of a 31 day reduction for applicant delay pursuant to 37 C.F.R. §1.704(b), 30 days should have been accorded for applicant delay. Accordingly, the period of reduction of 31 days is being removed and a period of reduction of 30 days is being entered.

In view of the periods of Applicant Delay detailed above, the total Applicant Delay for this patent should be calculated as 91 days (i.e., the sum of 61 days and 30 days).

Patentee also 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 June 24, 2011, thereby closing examination of the application on that date. Thus, Patentee argues no continued examination took place during the 131 day period from June 24, 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 131 days and be increased from 120 to 251 days.

Patentee concludes that the correct patent term adjustment is 628 days (the sum of 468 days of "A delay" and 251 days of "B delay" minus 91 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 120 days based on the application having been filed under 35 U.S.C. 111(a) on December 13, 2007 and the patent not having issued as of the day after the three year date, December 13, 2010, and a request for continued examination under 132(b) having been filed on April 13, 2011. In other words, the 131-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 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

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.

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 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

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.

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]henver, 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).

As the examination process does not terminate with the mailing of the notice of allowance, the time consumed by continued examination requested by the applicant under section 132(b) does not terminate with the mailing of the notice of allowance. All the time the application is pending from the date of filing of the request for continued examination to the mailing of the notice of allowance through issuance of the patent is a consequence of the filing of the request for continued examination. Further action by the Office is pursuant to that request. Applicant has gotten further prosecution of the application without having to file a continuing application under 37 CFR 1.53(b).

All of the continued examination pursuant to the filing of the request by the applicant is properly excluded from the delay attributed to the Office. 35 U.S.C. 154(b)(1)(B)'s guarantee of a total application pendency of no more than three years provides for adjustment of the patent term for delay due to the Office's failure to issue the patent within three years, but does not include “any time consumed by continued examination requested by the applicant under 35 U.S.C. 132(b).” It is not necessary to mitigate the effect on the 20-year term to the extent that applicant has requested that the Office continue to examine the application via a request for continued examination, in lieu of, the filing of a continuing application under 37 CFR 1.53(b).

In this instance, a request for continued examination was filed on April 13, 2011, 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 April 13, 2011 and ending on November 1, 2011 is not included in calculating Office delay.

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

As such, the patent term adjustment is 497 days (468 "A delay" days plus 120 "B delay" days minus 91 Applicant delay days), not 628 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 *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 **four hundred ninety-seven (497) days**.

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



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 : 8,051,076B1

DATED : November 1, 2011

INVENTOR(S) : Ashutosh Garg

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 (496) days

Delete the phrase "by 496 days" and insert -- by 497 days--



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

MAILED
FEB 27 2012
OFFICE OF PETITIONS

In re Patent No. 8,051,076 :
Issued: November 1, 2011 : DECISION ON REQUEST
Application No. 11/955,975 : FOR RECONSIDERATION
Filed: December 13, 2007 : OF PATENT TERM ADJUSTMENT
Attorney Docket No. 16113-1009001 :

This is a decision on the request for reconsideration filed February 13, 2012, pursuant to 37 CFR §1.705(d), requesting that the patent term adjustment indicated on the above-identified patent be corrected from from 497 to 628 days.

This petition is hereby **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.

The patent term adjustment indicated in the previous decision mailed January 12, 2012 is properly indicated.

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 June 24, 2011, thereby closing examination of the application on that date. Thus, Patentee argues no continued examination took place during the 131 day period from June 24, 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 131 days and be increased from 120 to 251 days.

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

Applicant's arguments have been considered.

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 120 days based on the application having been filed under 35 U.S.C. 111(a) on December 13, 2007 and the patent not having issued as of the day after the three year date, December 13, 2010, and a request for continued examination under 132(b) having been filed on April 13, 2011. In other words, the 131-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 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.

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.

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 delay” does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

² Clause (iii) provides for not including (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued. It is noted that paragraph (3)(C) allows with an adequate showing by applicant for reinstatement of no more than 3 months of the patent term reduced for applicant delay in taking in excess of three months to respond.

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

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

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

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).

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.

In this instance, a request for continued examination was filed on April 13, 2011, 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 April 13, 2011 and ending on November 1, 2011 is not included in calculating Office delay.

CONCLUSION

Accordingly, the decision on application for patent term adjustment has been reconsidered and the request for additional patent term is DENIED.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.



Anthony Knight
Director
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/956,038 12/13/2007 Chao SUN 10195.0029 6776

7590 09/03/2010
Huawei Technologies Co., Ltd./Finnegan
901 New York Avenue
NW
Washington, DC 20001

Table with 1 column: EXAMINER

BARRON JR, GILBERTO

Table with 2 columns: ART UNIT, PAPER NUMBER

2432

Table with 2 columns: MAIL DATE, DELIVERY MODE

09/03/2010

PAPER

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

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

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

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

Handwritten signature: Nina Armes
Patent Publication Branch
Office of Data Management

Adjustment date: 09/07/2010
10/14/2007 10:15:53 03112410 050915 11938000
02 Fee:1111 310.00 CR
04 Fee:1202 552.00 CR
05 Fee:1201 330.00 CR

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (02-10)

Approved for use through 07/31/2010. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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

**REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF WYETH***

Attorney Docket
Number: 31706-1001-DIV

Application
Number: 11/956,062

Filing Date
(or 371(b) or (f) Date): December 13, 2007

Patent Number: 7,736,575

Issue Date: June 15, 2010

First Named
Inventor: Steven L. High

Title: Method of Creating Chemical Induced Pre-Stressed Zones in Concrete

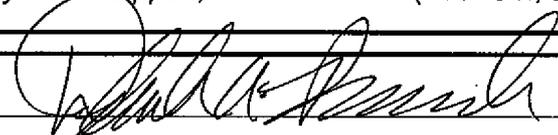
PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature



Date 8/5/10

Name
(Print/Typed) Deborah A. Peacock

Registration Number 31,649

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 1.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

*Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 10 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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



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PEACOCK MYERS, P.C.
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SUITE 1340
ALBUQUERQUE, NM 87102

Mail Date: 08/17/2010

Applicant : Steven L. High : DECISION ON REQUEST FOR
Patent Number : 7736575 : RECALCULATION of PATENT
Issue Date : 06/15/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/956,062 : OF WYETH
Filed : 12/13/2007 :
:

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

**JOHN BROOKS LAW LLC
P.O. BOX 156
WRENTHAM MA 02093**

MAILED

AUG 17 2011

OFFICE OF PETITIONS

In re Application of	:	
Maharajh et al.	:	
Application No. 11/956,138	:	DECISION ON PETITION
Filed: December 13, 2007	:	TO WITHDRAW FROM RECORD
Attorney Docket No. QPLA-0001-P01	:	
	:	

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 22, 2011.

The request is **APPROVED**.

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

The request was signed by John J. Brooks, III on behalf of all attorneys of record who are associated with Customer Number 58698.

All attorneys/agents associated with the Customer Number 58698 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other 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: Kavi Mahavajh – Quick Play Media
190 Liberty Street, 2nd Floor
Toronto, Ontario, M6K3L5 Canada



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United States Patent and Trademark Office
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**JOHN BROOKS LAW LLC
P.O. BOX 156
WRENTHAM MA 02093**

**MAILED
AUG 17 2011
OFFICE OF PETITIONS**

In re Application of :
Maharajh et al. : **DECISION ON PETITION**
Application No. 11/956,162 : **TO WITHDRAW**
Filed: December 13, 2007 : **FROM RECORD**
Attorney Docket No. QPLA-0001-P02 :

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 22, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

According to a review of current USPTO records petitioner has not recognized the current recorded assignee concerning the above-identified application or the first listed inventor. Quick Play Media is not the current assignee of the above- identified application.

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

Currently, there is no outstanding Office action that requires a reply.

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:

DATE :

TO SPE OF : ART UNIT

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

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

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

Certificates of Correction Branch - 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:



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**JOHN BROOKS LAW LLC
P.O. Box 156
WRENTHAM MA 02093**

**MAILED
DEC 20 2010
OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

In re Application of :
Kavi Maharajh, et al. :
Application No. 11/956,171 :
Filed: December 13, 2007 :
Attorney Docket No. QPLA-0001-P03 :

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 8, 2010.

The request is **NOT APPROVED**.

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

The request cannot be approved because the proper certifications were not made on the PTO/SB/63 form. Boxes 2 & 3 were left unchecked.

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

Application No. 11/956, 171

Page 2

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



Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Melvin Abdulhayoglu**
525 Washington Blvd., Suite 1400
Jersey City, NJ 07310



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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JOHN BROOKS LAW LLC
P.O. Box 156
Wrentham, MA 02093

MAILED

JUL 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Kavi Maharajh, et al.	:	
Application No. 11/956,171	:	DECISION ON PETITION
Filed: December 13, 2007	:	TO WITHDRAW
Attorney Docket No. QPLA-0001-P03	:	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 July 22, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 John J. Brooks, III 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.

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

/Terri Johnson/
Petitions Examiner
Office of Petitions

cc: **Quick Play Media**
190 Liberty Street, 2nd
Toronto, ON M6K3L5
Canada



UNITED STATES PATENT AND TRADEMARK 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
11/956,171	12/13/2007	Kavi Maharajh	QPLA-0001-P03

CONFIRMATION NO. 7009

POWER OF ATTORNEY NOTICE

58698
JOHN BROOKS LAW LLC
P.O. Box 156
WRENTHAM, MA 02093



Date Mailed: 07/29/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/22/2011.

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

/tsjohnson/

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



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JOHN BROOKS LAW LLC
P.O. BOX 156
WRENTHAM MA 02093

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AUG 01 2011

OFFICE OF PETITIONS

In re Application of
Kavi Maharajh et al
Application No. 11/956,186
Filed: December 13, 2007
Attorney Docket No. QPLA-0001-P05

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 22, 2011.

The request is **APPROVED**.

The request was signed by John J. Brooks III on behalf of all the practitioners of record associated with Customer Number 58698.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to assignee Quick Play Media 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: Quick Play Media Inc,
190 Liberty Street, 2nd Floor
Toronto, Ontario M6K3L5
Canada



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 156
WRENTHAM MA 02093

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AUG 09 2011

OFFICE OF PETITIONS

In re Application of :
Kavi Maharajh et al. :
Application No. 11/956,194 :
Filed: December 13, 2007 :
Attorney Docket No. **QPLA-0001-P06** :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 22, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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.

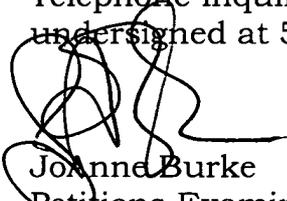
The request was signed by John J. Brooks on behalf of all attorneys of record who are associated with Customer Number 58698.

All attorneys/agents associated with Customer Number 58698 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 assignee of the entire interest at the address indicated below.

There is an outstanding Office action mailed August 6, 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
Petitions Examiner
Office of Petitions

cc: Quick Play Media
190 Liberty Street, 2nd Floor
Toronto, Ontario M6K3L5 Canada



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/956,194	12/13/2007	Kavi Maharajh	QPLA-0001-P06

CONFIRMATION NO. 7055

POWER OF ATTORNEY NOTICE



Date Mailed: 08/09/2011

58698
JOHN BROOKS LAW LLC
P.O. Box 156
WRENTHAM, MA 02093

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/22/2011.

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

/jlburke/

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



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KING & SPALDING, LLP
401 CONGRESS AVENUE
SUITE 3200
AUSTIN, TX 78701

MAILED

JUN 01 2011

OFFICE OF PETITIONS

In re Application of :
Bernhard Raaf :
Application No. 11/956,195 : DECISION GRANTING PETITION
Filed: December 13, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 03869.105722 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 25, 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 13, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This application is being referred to Technology Center AU 2473 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.

I hereby certify that this correspondence is being filed via
EFS-Web with the United States Patent and Trademark Office
on February 4, 2011

PATENT
Docket No.: 026258-003410US
Client Ref. No.: ECC-0204-US-2

TOWNSEND and TOWNSEND and CREW LLP

By: /Kelly Mak/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kevin D. Kimmich et al.

Application No.: 11/956,200

Filed: December 13, 2007

For: ACM AWARE ENCODING
SYSTEMS AND METHODS

Customer No.: 61668

Confirmation No.: 7065

Examiner: Banks Harold, Marsha
Denise

Art Unit: 2482

PETITION TO MAKE
SPECIAL PURSUANT TO
37 C.F.R. §1.102

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

Sir:

Applicant hereby petitions the Commissioner to make special the above-identified application in accordance with the Patent Application Backlog Reduction Stimulus Plan, as most recently published in the Federal Register on November 22, 2010 at 75 Fed. Reg. 71072, pursuant to 37 C.F.R. §1.102. Applicant states the following:

- a) the basis under which special status is being sought is express abandonment of another copending application, pursuant to the Patent Application Backlog Reduction Stimulus Plan;
- b) a copy of the letter of express abandonment and the statements accompanying the letter of express abandonment from the copending application that is expressly abandoned, as filed with the USPTO, is attached as exhibit A;

- c) both the instant application and the expressly abandoned application are currently commonly assigned to Viasat, Inc., and were so assigned prior to October 1, 2009;
- d) the application that is expressly abandoned is application serial number 12/212,456, which was filed on September 17, 2008;
- e) applicant hereby certifies that applicant has not filed petitions in more than fourteen other applications requesting special status under the Patent Application Backlog Reduction Stimulus Plan program; and
- f) applicant hereby agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the instant application are directed to two or more independent and distinct inventions.

Below are the applications involved in this Patent Application Exchange Program transaction. Please notify the undersigned immediately if you notice any inconsistencies between this information and the information on file.

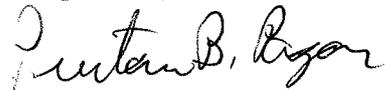
Application being Advanced	Application being Abandoned
Serial Number: 11/956,200 Title: ACM AWARE ENCODING SYSTEMS AND METHODS First Named Inventor: Kimmich Filing Date: 13-Dec-2007 Attorney Docket: 026258-003410US Client Docket: ECC-0204-US-2	Serial Number: 12/212,456 Title: RESIDUAL CARRIER AND SIDE BAND PROCESSING SYSTEM AND METHOD First Named Inventor: Dale Filing Date: 17-Sep-2008 Attorney Docket: 026258-000620US Client Docket: ECC-0005-US-3

Kevin D. Kimmich et al.
Application No.: 11/956,200
Page 3

PATENT

Pursuant to the conditions for being accorded special status for examination under the Patent Application Backlog Stimulus Reduction Plan, applicant believes no fee is required for the instant petition. Applicant respectfully requests that this petition to make special pursuant to 37 C.F.R. §1.102 be granted.

Respectfully submitted,



Preetam B. Pagar
Reg. No. 57,684

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
PBP:pbp

EXHIBIT A

Mailroom date of February 4, 2011 as downloaded from PAIR

Electronic Acknowledgement Receipt

EFS ID:	9377086
Application Number:	12212456
International Application Number:	
Confirmation Number:	1368
Title of Invention:	RESIDUAL CARRIER AND SIDE BAND PROCESSING SYSTEM AND METHOD
First Named Inventor/Applicant Name:	Mark Dale
Customer Number:	61668
Filer:	Preetam Baburao Pagar/Kelly Mak
Filer Authorized By:	Preetam Baburao Pagar
Attorney Docket Number:	026258-000620US
Receipt Date:	04-FEB-2011
Filing Date:	17-SEP-2008
Time Stamp:	15:06:26
Application Type:	Utility under 35 USC 111(a)

COPY

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Letter Express Abandonment of the application	026258_000620US_Express_Abandonment.pdf	80305 <small>2dec8aa885972a8fc4d5e16b0f13092b67b470ae</small>	no	1

Warnings:

Information:

2	Letter Express Abandonment of the application	026258_000620US_Statement.pdf	82657 f2fe1e47e8849ece87f8b9ef3bf3874bf89ddc76	no	2
Warnings:					
Information:					
Total Files Size (in bytes):				162962	
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

COPY

**EXPRESS ABANDONMENT UNDER
37 CFR 1.138**

File the petition electronically using EFS-Web
Or Mail the petition to:
Mail Stop Express Abandonment
Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	12/212,456
Filing Date	September 17, 2008
First Named Inventor	Dale, Mark
Art Unit	2618
Examiner Name	Urban, Edward F.
Attorney Docket Number	026258-000620US

Please check only one of boxes 1 or 2 below:

(If no box is checked, this paper will be treated as a request for express abandonment as if box 1 is checked.)

1. **Express Abandonment**
I request that the above-identified application be expressly abandoned as of the filing date of this paper.
2. **Express Abandonment in Favor of a Continuing Application**
I request that the above-identified application be expressly abandoned as of the filing date accorded the continuing application filed previously or herewith.

NOTE: A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01.

TO AVOID PUBLICATION, PLEASE USE FORM PTO/SB/24A INSTEAD OF THIS FORM.

TO REQUEST A REFUND OF SEARCH FEE AND EXCESS CLAIMS FEE (IF ELIGIBLE), USE FORM PTO/SB/24B INSTEAD OF THIS FORM.

- I am the applicant.
- assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- attorney or agent of record. Attorney or agent registration number is 57,684
- attorney or agent acting under 37 CFR 1.34, who is authorized under 37 CFR 1.138(b) because the application is expressly abandoned in favor of a continuing application (box 2 above must be checked). Attorney or agent registration number is _____

/Preetam B. Pagar/

Signature

February 4, 2011

Date

Preetam B. Pagar

Typed or printed name

415-576-0200

Telephone Number

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

Total of 1 forms are submitted.

I hereby certify that this correspondence is being filed via
EFS-Web with the United States Patent and Trademark Office
on February 4, 2011

PATENT
Docket No.: 026258-000620US
Client Ref. No.: ECC-0005-US-3

TOWNSEND and TOWNSEND and CREW LLP

By: /Kelly Mak/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mark Dale et al.

Application No.: 12/212,456

Filed: September 17, 2008

For: RESIDUAL CARRIER AND SIDE
BAND PROCESSING SYSTEM AND
METHOD

Customer No.: 61668

Confirmation No.: 1368

Examiner: Urban, Edward F.

Art Unit: 2618

STATEMENT PURSUANT
TO PATENT APPLICATION
BACKLOG REDUCTION
STIMULUS PLAN

COPIES

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

Commissioner:

Pursuant to the Patent Application Backlog Reduction Stimulus Plan, as most recently published in the Federal Register on November 22, 2010 at 75 Fed. Reg. 71072, applicant hereby expressly abandons the instant application. A petition for express abandonment of the instant application pursuant to 37 C.F.R. §1.138(a) is filed concurrently with this paper. Pursuant to the requirements of the Patent Application Backlog Reduction Stimulus Plan, applicant hereby makes the following statements:

- a) applicant has not and will not file an application that claims the benefit of the instant expressly abandoned application under any provision of Title 35, United States Code;

- b) applicant agrees not to request a refund of any fees paid in the instant expressly abandoned application; and
- c) applicant has not and will not file a new application that claims the same invention claimed in the instant expressly abandoned application.

Below are the applications involved in this Patent Application Exchange Program transaction. Please notify the undersigned immediately if you notice any inconsistencies between this information and the information on file.

Application being Advanced	Application being Abandoned
Serial Number: 11/956,200	Serial Number: 12/212,456
Title: ACM AWARE ENCODING SYSTEMS AND METHODS	Title: RESIDUAL CARRIER AND SIDE BAND PROCESSING SYSTEM AND METHOD
First Named Inventor: Kimmich	First Named Inventor: Dale
Filing Date: 13-Dec-2007	Filing Date: 17-Sep-2008
Attorney Docket: 026258-003410US	Attorney Docket: 026258-000620US
Client Docket: ECC-0204-US-2	Client Docket: ECC-0005-US-3

Respectfully submitted,

/Preetam B. Pagar/

Preetam B. Pagar
Reg. No. 57,684

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
PBP:pbp



TOWNSEND AND TOWNSEND AND CREW LLP/VIASAT
VIASAT, INC. (CLIENT #017018)
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO CA 94111

MAILED
FEB 09 2011
OFFICE OF PETITIONS

In re Application of :
KIMMICH, et al. : **DECISION ON PETITION**
Application No. 11/956,200 : **TO MAKE SPECIAL**
Filed: December 13, 2007 : **37 CFR 1.102**
Attorney Docket No. 026258-003410US :

This is a decision on the petition under 37 CFR 1.102, filed February 4, 2011, 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) includes 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 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) includes a statement that 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

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.
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11/956,239

12/13/2007

Hisashi Ito

04853.0120-01000

7128

7590 06/20/2011
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

KRUSE, DAVID H

ART UNIT	PAPER NUMBER
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1638

MAIL DATE	DELIVERY MODE
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06/20/2011

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



UNITED STATES 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 17, 2011

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

In re Application of :
Hisashi Ito et al. : **DECISION ON PETITION**
Application No. 11956239 :
Filed: 12/13/2007 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 04853.0120-01000 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) December 13, 2007.

The petition is **GRANTED**.

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

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

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

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

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/956,245	12/13/2007	Alexander F. H. Goetz	ASDI-011/01US 300225-2032	7142
58249	7590	04/18/2012	EXAMINER	
COOLEY LLP ATTN: Patent Group Suite 1100 777 - 6th Street, NW WASHINGTON, DC 20001			NUR, ABDULLAHI	
			ART UNIT	PAPER NUMBER
			2886	
			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
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COOLEY LLP
ATTN: Patent Group
Suite 1100
777-6th Street, NW
WASHINGTON, DC 20001

In re Application of: Alexander GOETZ, et al.
Serial No.: 11/956,245
Filed: December 13, 2007
Attorney Docket No.: **ASDI-011/01US 300225-2032**

DECISION ON PETITION
Under 37 CFR § 1.181

This is a decision on the petition filed on August 17, 2011 requesting that the finality of the Office action mailed on May 11, 2011 be withdrawn.

The petition is **Dismissed as Moot**.

In reviewing the prosecution history it was noted that subsequent to the submission of the petition an amendment after final was filed on October 07, 2011 which was entered resulting in a notice of allowance being mailed on October 20, 2011, rendering the request for withdrawal moot.

Any inquiries applicants have regarding this decision should be directed to Tarifur Chowdhury, Supervisory Patent Examiner, at (571) 272-2287.

Joseph Thomas, Director
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**CARR & FERRELL LLP
120 CONSTITUTION DRIVE
MENLO PARK CA 94025**

**MAILED
NOV 08 2011
OFFICE OF PETITIONS**

In re Application of	:	
FISHER	:	
Application No. 11/956,261	:	DECISION ON PETITION
Filed: December 13, 2007	:	TO WITHDRAW
Attorney Docket No. PA5601US	:	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 11, 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 Myrna M. Schelling on behalf of the attorneys of record associated with Customer No. 22830.

The attorneys of record associated with Customer No. 22830 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 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 Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: MICHELLE FISHER
2930 DOMINGO AVE, SUITE 123
BERKELEY, CA 94705



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/956,261	12/13/2007	Michelle Fisher	PA5601US

CONFIRMATION NO. 7170

POWER OF ATTORNEY NOTICE

22830
CARR & FERRELL LLP
120 CONSTITUTION DRIVE
MENLO PARK, CA 94025



Date Mailed: 11/07/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/11/2011.

- 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

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LEVINE BAGADE HAN LLP
2400 GENG ROAD, SUITE 120
PALO ALTO, CA 94303

MAILED

SEP 27 2010

In re Application of
Silmon James Biggs
Application No. 11/956,269
Filed: December 13, 2007
Attorney Docket No. ARMUNA01100

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed August 24, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 40518 has been revoked by the applicants of the patent application on September 16, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: BAYER MATERIAL SCIENCE LLC
100 BAYER ROAD
PITTSBURGH PA 15205



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/956,269	12/13/2007	Silmon James BIGGS	ARMUNA01100

CONFIRMATION NO. 7188

POA ACCEPTANCE LETTER



OC000000043716219

157
BAYER MATERIAL SCIENCE LLC
100 BAYER ROAD
PITTSBURGH, PA 15205

Date Mailed: 09/27/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/16/2010.

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.

/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
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/956,269	12/13/2007	Silmon James BIGGS	ARMUNA01100

40518
LEVINE BAGADE HAN LLP
2400 GENG ROAD, SUITE 120
PALO ALTO, CA 94303

CONFIRMATION NO. 7188
POWER OF ATTORNEY NOTICE



Date Mailed: 09/27/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/16/2010.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/jlburke/

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



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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

MAILED
AUG 16 2010
OFFICE OF PETITIONS

In re Patent No. 7,701,528 :
Issue Date: April 20, 2010 :
Application No. 11/956,373 : **DECISION ON PETITION**
Filed: December 14, 2007 :
Attorney Docket No. 501.48177X00 :

This is a decision on the Petition For Suspension Of The Rules And Certificate Of Correction Under 37 CFR 1.323, filed July 7, 2010, which is being treated as a Petition Under 37 CFR 3.81(b) to accept the omission of the second assignee's name. A completed Certificate of Correction Form (PTO/SB/44) was submitted with Petition.

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

Petitioner requests that the present Petition was submitted to correct the omission of the second assignee's name on the previously submitted PTOL-85B and such error was inadvertent. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to add the omitted second assignee's name to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

U.S. Patent No. 7,701,528
Application No. 11/956,373
Decision on Petition under 37 CFR 3.81

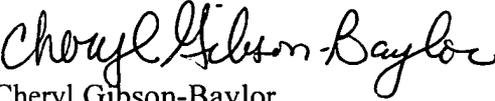
Page 2

The requisite \$100.00 fee (Fee Code 1811) as set forth under 37 CFR 1.20(a), and the requisite \$130.00 processing fee (Fee Code 1464) as set forth under 37 CFR 1.17(i) have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form PTO/SB/44 that accompanied the petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,701,528.


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
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NORTH STAR INTELLECTUAL PROPERTY LAW, PC
P.O. BOX 34688
WASHINGTON, DC 20043

MAILED
DEC 10 2010
OFFICE OF PETITIONS

In re Application of :
Sung-Hee Hwang, et al. :
Application No.: 11/956,447 :
Filed: December 14, 2007 :
Attorney Docket No.: 1101.0175C8 :

ON PETITION

This is a decision on the petition, filed December 8, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 19, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

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

The application is being referred to Technology Center AU 2627 for further processing of the request for continued examination and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: RACHAEL LEA LEVENTHAL
NSIP LAW
1156 15TH STREET, NW, SUITE 603
WASHINGTON, DC 20005

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



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

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Patent No. 7,765,346 : DECISION ON REQUEST FOR
Issued: July 27, 2010 : RECONSIDERATION OF
Application No. 11/956,489 : PATENT TERM ADJUSTMENT
Filed: December 14, 2007 : and
Attorney Docket No. 149-0198US : NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT filed on August 6, 2010, which is being treated under 37 CFR §1.705(d), requesting that the patent term adjustment determination under 35 U.S.C. § 154(b) be changed from 157 days to 233 days.

The application for patent term adjustment-post grant is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of two hundred thirty-three (233) days.

On July 27, 2010, the above-identified application matured into U.S. Patent No. 7,765,346 with a revised patent term adjustment of 157 days. On August 6, 2010, patentees timely submitted this application for patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 233 days.

The Office initially determined a patent term adjustment of two hundred thirty-three (233) days which did not include any 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 76 days was entered for applicant filing papers after the mailing of the notice of allowance.

Patentee disputes the reduction of 76 days due to "Workflow-Drawings finished" as there were no drawings filed on May 13, 2010.

A review of the application record supports a conclusion that no drawings were filed on May 13, 2010 and that the entry of 76 days for applicant delay is erroneous. In view thereof, the patent term adjustment indicated in the patent should have been two hundred thirty-three (233) days.

Per the authorization accompanying the petition and pursuant to 37 CFR 1.18(e), the Office has charged petitioner's deposit account no. 50-1922 in the amount of \$200.00 for the instant petition. No additional fees are required.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by TWO HUNDRED THIRTY-THREE (233) days.

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

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT
UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,765,346 B2

DATED : July 27, 2010

INVENTOR(S) : Geert De Peuter

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 233 days" and insert – by 233 days--



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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	:	
Geert De Peuter et al.	:	DECISION ON PETITION
Application No. 11/956,498	:	TO WITHDRAW
Filed: December 14, 2007	:	FROM RECORD
Attorney Docket No. 149-0199US	:	

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

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

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

A handwritten signature in black ink, appearing to read 'Joanne Burke', written over the printed name.

Joanne Burke
Petitions Examiner
Office of Petitions



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

MAILED

MAY 24 2011

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

In re Application of :
Geert De Peuter et al. :
Application No. 11/956,507 :
Filed: December 14, 2007 :
Attorney Docket No. 149-0201US :

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

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

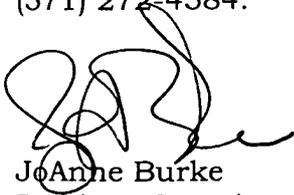
The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

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

A handwritten signature in black ink, appearing to read 'JoAnne Burke', is written over the printed name.

JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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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	:	
Geert De Peuter et al.	:	DECISION ON PETITION
Application No. 11/956,522	:	TO WITHDRAW
Filed: December 14, 2007	:	FROM RECORD
Attorney Docket No. 149-0202US	:	

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

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

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

A handwritten signature in black ink, appearing to read 'JoAnne Burke', with a stylized, cursive script.

JoAnne Burke
Petitions Examiner
Office of Petitions



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SEP 27 2010
OFFICE OF PETITIONS

**SCHNECK & SCHNECK
P.O. BOX 2-E
SAN JOSE CA 95109-0005**

In re Application of :
Ralf Michael Schreier, et al. :
Application No. 11/956,565 :
Filed: December 14, 2007 :
Attorney Docket No. ODM-014 :
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed August 5, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **ON DEMAND Microelectronics AG**
Donau-City-Strasse 11
Ares Tower 10 Floor
Vienna, 1220
Austria



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SCHNECK & SCHNECK
P.O. Box 2-E
San Jose, CA 95109-0005

MAILED

OCT 25 2010

In re Application of : **OFFICE OF PETITIONS**
Ralf Michael Schreier, et al. :
Application No. 11/956,565 : **DECISION ON PETITION**
Filed: December 14, 2007 : **TO WITHDRAW**
Attorney Docket No. ODM-014 : **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 12, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Thomas Schneck on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Ralf Michael Schreier at the address indicated below.

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: **Ralf Michael Schreier**
Neustiftgasse 19/3
Vienna, A-1070
Austria



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1430
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/956,565	12/14/2007	Ralf Michael Schreier	ODM-014

CONFIRMATION NO. 7720

POWER OF ATTORNEY NOTICE



3897
SCHNECK & SCHNECK
P.O. BOX 2-E
SAN JOSE, CA 95109-0005

Date Mailed: 10/22/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/12/2010.

- 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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/956,583	12/14/2007	Randolph S. Porubcan	THER-3	7751
93599	7590	11/21/2011	EXAMINER	
Eric P. Mirabel, JD, LLM 3783 Darcus Street Houston, TX 77005			MACAULEY, SHERIDAN R	
			ART UNIT	PAPER NUMBER
			1653	
			NOTIFICATION DATE	DELIVERY MODE
			11/21/2011	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

emirabel@comcast.net



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Eric P. Mirabel, JD, LLM
3783 Darcus Street
Houston TX 77005

In re Application of :
Randolph S. Porubcan :
Serial No.: 11/956,583 : Decision on Petition
Filed: December 14, 2007 :
Attorney Docket No: **THER-3** :

This letter is in response to the petition filed under 37 C.F.R. § 1.181 filed on September 30, 2011 to withdraw the finality of the Office action of September 29, 2011 due to its being premature.

BACKGROUND

The examiner mailed to applicants a non-final Office action on March 31, 2011. Claims 1-5, 7-14 and 27-54 were pending and claims 1-5, 7-14 and 27-54 were rejected. Claims 1-5, 7-14 and 27-33 and 35-54 were rejected under 112, second paragraph, as indefinite. Claims 1-4 and 8 and 10-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fulberth et al. Claims 1-5, 8-14, 27-33 and 36-54 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fulberth et al. as applied to claims 1-4 and 8 and 10-14, and further in view of Davidson et al. Claims 1-5, 7-14 and 27-33 and 35-54 were rejected under 35 U.S.C. 103(a) as being unpatentable Fulberth et al. in view of Davidson et al., as applied to claims 1-5, 8-14, 27-33 and 36-54 above, and further in view of Ullah et al and Tanaka et al.

In response thereto, applicants submitted amendments and remarks on April 6, 2011 addressing the rejections set forth in the Office action of March 31, 2011.

A Notice of Non-Compliant Amendment was mailed on June 28, 2011.

In response thereto, applicants submitted an amendments on June 28, 2011.

The examiner mailed to applicants a final Office action on September 29, 2011. Claims 1-5, 7-9, 11-14, 27-33, 35-37, 39-42, and 45-54 were pending and claims 1-5, 7-9, 11-14, 27-33, 35-37,

39-42, and 45-54 were rejected. Claims 1-5, 8, 9, 11-14, 27-33, 36, 37, 39-42, and 45-54 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. in view of Fulberth et al. and Davidson et al. Claims 1-5, 7-9, 11-14, 27-33, 35-37, 39-42, and 45-54 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. and Fulberth et al. and Davidson et al., as applied to claims 1-5, 8, 9, 11-14, 27-33, 36, 37, 39-42, and 45-54 above, and further in view of Ullah et al and Tanaka et al.

On September 30, 2011, applicants submitted the petition currently under review.

DISCUSSION

The petition and file history have been carefully considered.

Applicants argue that "... the Examiner's citation of Chen in the final rejection to support the Section 103(a) rejection was not necessitated by the majority of the amendments to claims 1 and 27. The only addition in claims 1 and 27 which is not in response to the Section 112, para. 2 rejection is: "further including a buffering agent that does not react with the digestive enzymes or the monovalent alginate so as to convert said enough of the monovalent alginate to an insoluble divalent alginate..." However, this limitation was simply an incorporation of the limitations previously in dependent claims 43 and 44 into the independent claims (claims 43 and 44 were canceled in the response to the first Office Action):

43. The formulation of claim 1 further including a buffering agent that does not react with the digestive enzymes or the monovalent alginate.

44. The formulation of claim 43 wherein the buffering agents do not generate significant quantities of divalent ions on exposure to aqueous solution.

Such moving of limitations from dependent into independent claims cannot necessitate citation of a new reference, as the limitations and the issues they presented were in existence, both before and after the new reference (Chen) was cited."

Applicants' arguments have been accorded careful consideration but they are not persuasive that the examiner erred in making the Office action of September 29, 2011 final. Before the amendment, for example, the claims did not require "sufficient quantities of [a] monovalent alginate to form a protective coating for the digestive enzymes on exposure to stomach acid". This "new" limitations required further consideration, which consideration was not required prior to the amendment. Furthermore, re-searching the claims was required which resulted in a new reference being found. As a result, the "new" rejection was, in fact, necessitated by amendment. Accordingly, the finality of the Office action of September 29, 2011 is deemed proper.

DECISION

The petition is **DENIED**.

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

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-1600 or by facsimile sent to the general Office facsimile number, 571-273-8300.



George Elliott
Director, Technology Center 1600



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MICHAEL N. HAYNES
1341 HUNTERSFIELD CLOSE
KESWICK VA 22947

MAILED

OCT 04 2011

OFFICE OF PETITIONS

In re Patent No. 7,785,098 :
Issue Date: August 21, 2010 :
Application No.: 11/956,610 : NOTICE
Filed: December 14, 2007 :
Attorney Docket No.: 1021-036 :

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

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

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

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

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

This file is being forwarded to the Files Repository.

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


Shirene Willis Brantley
Petitions Attorney
Office of Petitions



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DELANEY IP
444 SOUTH CEDROS AVENUE
SUITE 175
SOLANA BEACH CA 92075

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APR 07 2011

OFFICE OF PETITIONS

In re Application of :
Michael D. Anderson :
Application No. 11/956,703 : DECISION ON PETITION
Filed: December 14, 2007 :
Attorney Docket No. 21485-1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 04, 2011, to revive the above-identified application.

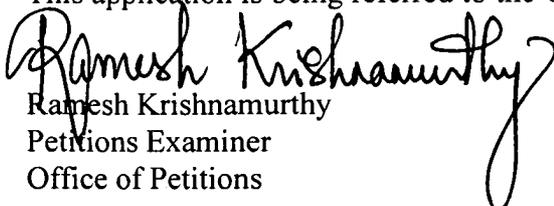
The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 10, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed June 10, 2010. Accordingly, the date of abandonment of this application September 11, 2010.

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

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

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


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	0	("livinghinge").PN.	USPAT; USOCR	OR	OFF	2010/01/30 13:35
S2	0	("livingadjhinge").PN.	USPAT; USOCR	OR	OFF	2010/01/30 13:36
S3	0	("livi\$2adjhing\$2").PN.	USPAT; USOCR	OR	OFF	2010/01/30 13:36
S4	2020	(206/38).CCLS.	USPAT; USOCR	OR	OFF	2010/01/30 13:36
S5	0	("l3andl4").PN.	USPAT; USOCR	OR	OFF	2010/01/30 13:37
S6	0	("412279.pn.").PN.	USPAT; USOCR	OR	OFF	2010/01/30 13:37
S7	8409	livi\$3 adj hing\$2	USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2010/01/30 13:38
S8	8	S4 and S7	USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2010/01/30 13:38
S9	4	"412279".pn.	USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2010/01/30 13:39
S10	39	"412279"	USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2010/01/30 13:40
S11	7667964	D "412279"	USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2010/01/30 13:41
S12	7667950	D "412279".pn.	USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2010/01/30 13:41
S13	1	D412279.pn.	USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2010/01/30 13:41
S14	1515	non-stick adj surface	USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2010/01/30 13:48
S15	0	S14 and S4	USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2010/01/30 13:49
S16	1516	non-stick adj surface\$2	USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2010/01/30 13:49

S17	1515	S14 and S14	USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2010/01/30 13:49
S18	0	S14 and S4	USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2010/01/30 13:49
S19	0	S16 and S4	USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2010/01/30 13:49
S20	120345	"206"/\$.cls.	USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2010/01/30 13:50
S21	36	S16 and S20	USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2010/01/30 13:50
S22	1	6644488B1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/05/01 19:12
S23	11	"2274909"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/05/03 13:37
S24	5	D408860	USPAT	OR	ON	2010/05/17 10:20
S25	25	206/038	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/05/17 15:11
S26	848	206/233	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/05/17 15:28
S27	16	("2007042" "3141569" "3384224").PN. OR ("3845858").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/05/17 15:29
S28	15540	verma rishi	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/05/17 15:45
S29	1	verma adj rishi	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/05/17 15:45

S30	1385	206/528	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/05/17 15:46
S31	1092	206/531	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/05/17 16:01
S32	1	6644488B1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/05/17 16:02
S33	1	((MARIANNE) near2 (KLEIN)).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2010/05/17 16:02
S34	1	((MARIANNE) near2 (KLEIN)).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2010/05/17 16:03
S35	0	((MARIANNE) near2 (KLEIN)).INV.	EPO; JPO; DERWENT	OR	ON	2010/05/17 16:03
S36	117	"3967756"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/05/18 16:37
S37	10	"6102199"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/05/18 17:33
S38	3	D499020	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/05/18 19:22
S39	16	("1321029" "1456242" "4739353" "5005701" "5117724" "6025549" "6247589" "6723906" "D305205" "D425788" "D432414" "D436531"). PN. OR ("D499020"). URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/05/18 19:22

EAST Search History

S40	23	"20020108962" "2774467" "2804234" "3224632" "6691873" "D235514" "D274573" "D389739" "D415424" "D418052" "D433260" "D445028" "D455956" "D499020" "D525866" "D528906" "D534419" "D547644").PN. OR ("D559104").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/05/18 19:27
S41	48	((PHILIPPE) near2 (LEBRAS)).INV.	EPO; JPO; DERWENT	OR	ON	2010/05/18 19:36
S42	24	((PHILIPPE) near2 (LEBRAS)).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2010/05/18 19:40
S43	12	"3845858"	USPAT	OR	ON	2010/07/01 19:20

EAST Search History (I nterference)

<This search history is empty>

12/ 19/ 2010 7:40:37 AM**H:\ Portable gum container.wsp**



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Decision Date : June 14,2011

In re Application of :

Veeru Ramaswamy

Application No : 11956979

Filed : 14-Dec-2007

Attorney Docket No : 107968/126257

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 June 14,2011

The request is **APPROVED**.

The request was signed by Justin M Tromp (registration no. 62304) on behalf of all attorneys/agents associated with Customer Number 68040 . All attorneys/agents associated with Customer Number 68040 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 Vianix Delaware, LLC
Name2
Address 1 2696 Reliance Drive
Address 2 Suite 100
City Virginia Beach
State VA
Postal Code 23452
Country US

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

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

Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11956979	
Filing Date	14-Dec-2007	
First Named Inventor	Veeru Ramaswamy	
Art Unit	2626	
Examiner Name	SHAUN ROBERTS	
Attorney Docket Number	107968/126257	
Title	System and Method for a High Performance Audio Codec	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		68040
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4) 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Vianix Delaware, LLC	
Address	2696 Reliance Drive Suite 100	
City	Virginia Beach	
State	VA	
Postal Code	23452	

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Justin M Tromp/
Name	Justin M Tromp
Registration Number	62304



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**WILLIAM D. HARE
MCNEELY, HARE & WAR, LLP
66 WITHERSPOON STREET
STE. 1, PMB 317
PRINCETON NJ 08542-9944**

MAILED

APR 20 2011

OFFICE OF PETITIONS

In re Application of :
Stewart et al. :
Application No. 11/957,007 : **DECISION ON PETITION**
Filed: December 14, 2007 :
Attorney Docket No. 7032.001 :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed June 10, 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 July 11, 2010. A Notice of Abandonment was mailed March 21, 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 response to the Restriction Requirement, (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 Technology Center AU 3634 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

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

MAILED

NOV 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Guillermo Lao, et al.	:	
Application No. 11/957,018	:	DECISION ON PETITION
Filed: December 14, 2007	:	TO WITHDRAW
Attorney Docket No. 111325-140900	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed September 10, 2010.

The request is **NOT APPROVED**.

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

A review of the file record indicates that Nixon Peabody, LLP does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

A review of the file also indicates that while the oath/declaration did include a power of attorney, the request was not accepted because it was improper. A power of attorney filed after June 25, 2004 cannot list more than 10 attorneys or agents without the use of customer number practice.

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

There are no pending Office actions at the present.

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

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

cc: CONTGUARD HOLDINGS, INC.
222 N. SEPULVEDA BLVD.
SUITE 1400
EL SEGUNDO, CA 90245



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/957,030	12/14/2007	Mayumi Nakasato	18151-036001 / SA-70416US	8561
26211	7590	02/02/2011	EXAMINER	
FISH & RICHARDSON P.C. (NY) P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			SANDVIK, BENJAMIN P	
			ART UNIT	PAPER NUMBER
			2826	
			NOTIFICATION DATE	DELIVERY MODE
			02/02/2011	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com



UNITED STATES PATENT AND TRADEMARK OFFICE

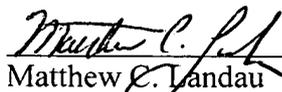
Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. NAKASATO ET AL. :
Appl No.: 11/957,030 : **DECISION GRANTING**
Filed: December 14, 2007 : **PETITION**
For: Packing board for electronic device, packing board : *37 CFR 1.48(b)*
manufacturing method, semiconductor module, :
semiconductor module manufacturing method, and :
mobile device :
: :
:

This is a decision on the petition filed 2 December 2010 to correct inventorship under 37 CFR 1.48(b).

The petition is **GRANTED**.

In view of the papers filed 2 December 2010, it has been found that this nonprovisional application, through prosecution, has resulted in the cancellation of claims so that fewer than all of the currently named inventors are the actual inventors. Accordingly, this application has been corrected in compliance with 37 CFR 1.48(b). The inventorship of this application has been changed by the deletion of Kiyoshi Shibata and Hideki Mizuhara as inventors. The application will be forwarded for issuance and a corrected filing receipt will be generated. Correction of Office records to reflect the inventorship as corrected will also be completed.


Matthew C. Landau
Supervisory Patent Examiner
Art Unit 2813
Technology Center 2800

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

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**NASA/MARSHALL SPACE FLIGHT CENTER
LS01/OFFICE OF CHIEF COUNSEL
MSFC AL 35812**

MAILED

JAN 24 2011

OFFICE OF PETITIONS

In re Application of :
Carl et al. :
Application No. 11/957,051 :
Filed: December 14, 2007 :
Attorney Docket No. MFS-32588-1 :

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 21, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

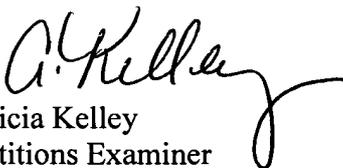
The petition is **GRANTED**.

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

The instant petition includes a statement (PTO/SB/130 form) by the applicant's attorney that the applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 4142 for action on the merits commensurate with this decision.


Alicia Kelley
Petitions Examiner
Office of Petitions



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NASA/MARSHALL SPACE FLIGHT CENTER
L501/OFFICE OF CHIEF COUNSEL
MSFC AL 35812

MAILED

AUG 31 2011

OFFICE OF PETITIONS

In re Application of :
Engelhaupt et al :
Application No. 11/957,051 : **DECISION ON PETITION**
Filed: December 14, 2007 :
Attorney Docket No. MFS-32588-1 :

This is a decision on the petition under 37 CFR 1.182, filed January 28, 2011, to change the order of the names of the inventors.

The petition is **GRANTED**.

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

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

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/957,051, 12/14/2007, 1777, 1230, MFS-32588-1, 24, 3

CONFIRMATION NO. 8598

CORRECTED FILING RECEIPT



30698
NASA/MARSHALL SPACE FLIGHT CENTER
LS01/OFFICE OF CHIEF COUNSEL
MSFC, AL 35812

Date Mailed: 08/31/2011

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)

- Darell E. Engelhaupt, Madison, AL;
Mikhail V. Gubarev, Huntsville, AL;
William David Jones, Huntsville, AL;
Brian D. Ramsey, Huntsville, AL;
Carl M. Benson, Huntsville, AL;

Power of Attorney: The patent practitioners associated with Customer Number 30698

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/914,076 04/26/2007

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: 08/30/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/957,051

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

ELECTROCHEMICAL AND MECHANICAL POLISHING AND SHAPING METHOD AND SYSTEM

Preliminary Class

205

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/957,065 12/14/2007 Lin Lin 30952/43499 8623

7590 08/27/2010
MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606-6357

EXAMINER
BEYEN, ZEWDU A

ART UNIT PAPER NUMBER
2461

MAIL DATE DELIVERY MODE
08/27/2010 PAPER

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

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

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

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

Mimi Farmer
Patent Publication Branch
Office of Data Management

Revised date: 08/27/2010 REFORMER
12/17/2007 INTERSO 00000000 150000 11957065
02 FC:1111 510.93 CR



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**HOLLAND & KNIGHT LLP
10 ST. JAMES AVENUE
BOSTON MA 02116-3889**

MAILED

APR 15 2011

OFFICE OF PETITIONS

In re Application of :

Louis Jack Norman II :

Application No. 11/957,153 :

Filed: December 14, 2007 :

Attorney Docket No. 113493.00002 :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

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

The request is **APPROVED**.

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

The request was signed by V. Raman Bharatula on behalf of all attorneys/agents associated with customer number 54975. All attorneys/agents associated with customer number 54975 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: Louis Jack Norman
20 Sturges Street
Binghamton, NY 13901



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/957,153	12/14/2007	Louis Jack Norman II	113493.00002

CONFIRMATION NO. 8777

POWER OF ATTORNEY NOTICE



Date Mailed: 04/15/2011

54975
HOLLAND & KNIGHT LLP
10 ST. JAMES AVENUE
BOSTON, MA 02116-3889

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/16/2011.

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

/kainabinet/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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Decision Date : March 29, 2012

In re Application of :

Stephen Wahlgren

Application No : 11957240

Filed : 14-Dec-2007

Attorney Docket No : ETH5355USNP

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed March 29, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

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

This application file is being directed to the Office of Data Management.

Office of Petitions

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	11957240
Filing Date	14-Dec-2007
First Named Inventor	Stephen Wahlgren
Art Unit	3766
Examiner Name	ERIC BERTRAM
Attorney Docket Number	ETH5355USNP
Title	DERMATOME STIMULATION DEVICES AND METHODS

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
- (4) Statement that the entire delay was unintentional.

Petition fee

The petition fee under 37CFR 1.17(m) is attached.

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

Issue Fee and Publication Fee :

Issue Fee and Publication Fee are not due.

- Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

- Drawing corrections and/ or other deficiencies are not required
- I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- Drawing corrections and/ or other deficiencies are attached.

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

Signature	/Cheryl F. Cohen/
Name	Cheryl F. Cohen
Registration Number	40361



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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

MAILED
JAN 12 2012
OFFICE OF PETITIONS

In re Patent No. 7,988,972 :
Issue Date: August 2, 2011 :
Application No. 11/957,251 : DECISION ON PETITION
Filed: December 14, 2007 :
Attorney Docket No. ORGU-0066 :

This is a decision on the Petition To Correct Name Of Assignee On Patent Issued, filed October 7, 2011, to accept the omission of the co-assignee's name. A completed Certificate of Correction Form (PTO/SB/44) was submitted with petition.

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

Petitioner urges that the present petition was submitted to accept the omission of the co-assignee's name on the previously submitted PTOL-85B and such error was inadvertent. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to add the omitted co-assignee's name to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in §3.11 before issuance of the patent, and must include a request for a certificate of correction under §1.323 of this chapter (accompanied by the fee set forth in §1.20(a) and the processing fee set forth in §1.17(i) of this chapter.

The requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), and the requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR §3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form submitted with the petition.

U.S. Patent No. 7,988,972
Application No. 11/957,251
Decision on Petition under 37 CFR §3.81(b)

Page 2

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. 7,988,972.



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
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Decision Date : May 9,2011

In re Application of :

Shingo Hattori

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11957264

Filed : 14-Dec-2007

Attorney Docket No : 076376.0862

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed May 9,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This application file is being referred to Technology Center AU 2861 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	11957264
Filing Date	14-Dec-2007
First Named Inventor	Shingo Hattori
Art Unit	2861
Examiner Name	ANH VO
Attorney Docket Number	076376.0862
Title	LIQUID CONTAINERS

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	/Sam C. Olive/
Name	Sam C. Olive
Registration Number	59903

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:	11/957296	Filing date:	14-DEC-2007
First Named Inventor:	Janssen, Jeffrey R		

Title of the Invention: **Mixing and Dispensing Curable Multi-component Materials**

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](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/US2007/087668**

The international date of the corresponding PCT application(s) is/are: **14 DECEMBER 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)**

- 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.**

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

STEWART, Pamela L.

3M Center Office of Intellectual Property Counsel Post Office
Box 33427 Saint Paul Minnesota 55133-3427 USA

PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

Date of mailing

(day/month/year) **09 MAY 2008 (09.05.2008)**

Applicant's or agent's file reference

62614WO003

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US2007/087668

International filing date (day/month/year)

14 DECEMBER 2007 (14.12.2007)

Priority date(day/month/year)

15 DECEMBER 2006 (15.12.2006)

International Patent Classification (IPC) or both national classification and IPC

B65D 81/32(2006.01)H

Applicant

3M INNOVATIVE PROPERTIES COMPANY

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

 <p>Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302 -701, Republic of Korea Facsimile No. 82-42-472-7140</p>	<p>Date of completion of this opinion</p> <p>09 MAY 2008 (09.05.2008)</p>	<p>Authorized officer</p> <p>HAN, JU CHULL</p> <p>Telephone No. 82-42-481-5467</p> 
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2007/087668

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of :
 - the international application in the language in which it was filed
 - a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
2. This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:
 - a. type of material
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material
 - on paper
 - in electronic form
 - c. time of filing/furnishing
 - contained in the international application as filed.
 - filed together with the international application in electronic form.
 - furnished subsequently to this Authority for the purposes of search.
4. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2007/087668

Box No. IV Lack of unity of invention

1. In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has, within the applicable time limit:
- paid additional fees
 - paid additional fees under protest and, where applicable, the protest fee
 - paid additional fees under protest but the applicable protest fee was not paid
 - not paid additional fees
2. This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- complied with
 - not complied with for the following reasons:
(See Supplemental Box)

4. Consequently, this opinion has been established in respect of the following parts of the international application :

all parts.

the parts relating to claims Nos. _____

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2007/087668

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

I. Statement

Novelty (N)	Claims	1-54	YES
	Claims	55	NO
Inventive step (IS)	Claims	1-54	YES
	Claims	55	NO
Industrial applicability (IA)	Claims	1-55	YES
	Claims	None	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: JP 2004-155484 A
D2: US 6678738 B1
D3: KR 10-1992-0002236 B1

D1 relates to a hair cosmetic applicator for dispensing two component materials at the same time, the device comprising first and second bottles (2a, 2b) and a cap (20).

D2 relates to a package assembly provided for use within a reusable cartridge for dispensing at least one component.

D3 relates to materials of plasticized products which are fiber-reinforced thermoplastic.

1. Novelty and Inventive Step

Claims 1-28 relate to a method for mixing curable multi-component materials; claims 29-43 relate to a cartridge apparatus; claims 44-47 relate to a multi-component package; claims 48-54 relate to a multi-component material dispenser; and claim 55 relates to a curable multi-component material.

The features in association with the step of feeding the second component in claims 1 and 18-28 are not disclosed in any of the available prior art documents, nor rendered obvious by the documents. Accordingly, claims 1 and 18-28 are not anticipated by the prior art, nor obvious to a person skilled in the art. And claims 2-17 are dependent on claim 1. Therefore, claims 1-28 are considered to be novel and involve an inventive step under PCT Article 33(2) and (3).

The mixer drive passageway and the rotatable drive shaft of claim 29, and the spacer of claim 34 are not disclosed in any of the available prior art documents, nor rendered obvious by the documents. Accordingly, claims 29 and 34 are not anticipated by the prior art, nor obvious to a person skilled in the art. And claims 30-33 are dependent on claim 29, and claims 35-43 are dependent on claim 34. Therefore, claims 29-43 are considered to be novel and involve an inventive step under PCT Article 33(2) and (3).

(Continued on Supplemental Sheet.)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2007/087668

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of:

Box No. IV.

Group 1: claims 1-17 relating to a method for mixing curable multi-component materials;
Group 2: claim 18 relating to a method for mixing curable multi-component materials;
Group 3: claim 19 relating to a method for mixing curable multi-component materials;
Group 4: claim 20 relating to a method for mixing curable multi-component materials;
Group 5: claim 21 relating to a method for mixing curable multi-component materials;
Group 6: claim 22 relating to a method for mixing curable multi-component materials;
Group 7: claim 23 relating to a method for mixing curable multi-component materials;
Group 8: claim 24 relating to a method for mixing curable multi-component materials;
Group 9: claim 25 relating to a method for mixing curable multi-component materials;
Group 10: claim 26 relating to a method for mixing curable multi-component materials;
Group 11: claim 27 relating to a method for mixing curable multi-component materials;
Group 12: claim 28 relating to a method for mixing curable multi-component materials;
Group 13: claims 29-33 relating to a cartridge apparatus;
Group 14: claims 34-43 relating to a cartridge apparatus;
Group 15: claims 44-47 relating to a multi-component package;
Group 16: claims 48-50 relating to a multi-component material dispenser;
Group 17: claims 51-54 relating to a multi-component material dispenser; and
Group 18: claim 55 relating to a curable multi-component material.

1. The common technical feature of groups 1-12 is a method for mixing curable multi-component materials, comprising the steps of providing a mobile dispenser, feeding a first component, mixing the first component and the second component, and dispensing a first curable multi-component material. This feature lacks an inventive step with respect to the following document cited in this IRS: JP 2004-155484 A (hereinafter referred to as D1).

2. The common technical features between groups 1-12 and groups 13-14 are the first container and the second container. These features are identical to the first and second bottles (2a, 2b) of D1.

3. Groups 1-12; 13-14; 15; 16 and 17; and 18 have no common technical feature.

4. Groups 15; 16 and 17; and 18 have no common technical feature.

5. Therefore, the present application including eighteen groups of inventions does not meet the requirement of unity of invention (PCT Rule 13.1 and 13.2).

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2007/087668

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box No. V.

The collapsible first and second containers of claim 44 are not disclosed in any of the available prior art documents, nor rendered obvious by the documents. Accordingly, claim 44 is not anticipated by the prior art, nor obvious to a person skilled in the art. And claims 45-47 are dependent on claim 44. Therefore, claims 44-47 are considered to be novel and involve an inventive step under PCT Article 33(2) and (3).

The mixer drive passageway, the plungers and the dynamic mixer of claim 48, and the plunger chamber, the air motor and the dynamic mixer of claim 51 are not disclosed in any of the available prior art documents, nor rendered obvious by the documents. Accordingly, claims 48 and 51 are not anticipated by the prior art, nor obvious to a person skilled in the art. And claims 49-50 are dependent on claim 48, and claims 52-54 are dependent on claim 51. Therefore, claims 48-54 are considered to be novel and involve an inventive step under PCT Article 33(2) and (3).

The unsaturated polyester resin, the catalyst and the styrene of claim 55 are equivalents of the materials of plasticized products in D3. Therefore, claim 55 is not considered to be novel under PCT Article 33(2), thereby lacking an inventive step under PCT Article 33(3).

2. Industrial Applicability

The inventions claimed in claims 1-55 can be made or used in the industry concerned. Therefore, said claims meet the requirements of PCT Article 33(4).



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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/957,296	12/14/2007	Jeffrey R. Janssen	62614US005	9044
32692	7590	10/14/2011	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			HENKEL, DANIELLE B	
			ART UNIT	PAPER NUMBER
			1775	
			NOTIFICATION DATE	DELIVERY MODE
			10/14/2011	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com



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

WG

OCT 14 2011

In re application of : DECISION ON REQUEST TO
Jeffrey Janssen et al. : PARTICIPATE IN PATENT
Serial No. 11/957,296 : PROSECUTION HIGHWAY
Filed: December 14, 2007 : PROGRAM AND
For: MIXING AND DISPENSING CURABLE : PETITION TO MAKE SPECIAL
MULTI-COMPONENT MATERIALS : UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed August 23, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

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

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

Application No. 11/957,296

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) 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 fail because examination on the U.S. application has begun. Note the office action mailed on 12 October 2011.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

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>.

Walter D. Griffin/

Walter D. Griffin -
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

GREENBERG TRAURIG, LLP (SV)
c/o: Greenberg Traurig LLP - Chicago Office
77 West Wacker Drive, Suite 3100
Intellectual Property Department
Chicago IL 60601

MAILED

JAN 31 2012

In re Application of
Benkley et al.
Application No. 11/957,311
Filed: December 14, 2007
Attorney Docket No. 123625.011800
For: METHOD AND APPARATUS FOR
FINGERPRINT IMAGE
RECONSTRUCTION

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition captioned under 37 CFR 1.47(b), filed September 28, 2004, which is being treated as a petition under 37 CFR 1.183 requesting waiver of 37 CFR 1.67, which requires that a supplemental declaration be executed by all named inventors.¹

The petition under 37 CFR 1.183 requesting waiver of 37 CFR 1.67 is **granted**.

Petitioner has established that copies of the above-identified application and a supplemental declaration were successfully mailed to the last known addresses of the two non-signing joint inventors, Fred George Benkley and David Joseph Geoffroy, and that each did not respond to the request that he sign the supplemental declaration and return it. In view of the constructive refusal by the two joint inventors to sign the declaration, it is agreed that justice would be served by waiving the requirement for their signature on the supplemental declaration filed January 5, 2012. It is noted that joint inventor Pallavi Satyan executed the supplemental declaration filed January 5, 2012.

The current Rule 183 petition fee is \$400.00. Petitioner paid only \$200.00. Pursuant to petitioner's authorization, deposit account no. 50-2638 will be charged the \$200.00 balance.

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

¹ Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal to also sign a supplemental oath or declaration is waiver of 37 CFR 1.67. See MPEP 603.

This application is being referred to the examiner of record for consideration of the amendment under 37 CFR 1.312, filed January 5, 2012.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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Alexandria, VA 22313-1450
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GREENBERG TRAURIG, LLP (SV)
C/O: GREENBERG TRAURIG LLP - CHICAGO OFFICE
77 WEST WACKER DRIVE, SUITE 3100
INTELLECTUAL PROPERTY DEPARTMENT
CHICAGO IL 60601

MAILED
FEB 07 2012
OFFICE OF PETITIONS

In re Application of :
Fred George Benkley et al. :
Application No. 11/957,322 :
Filed: December 14, 2007 :
Attorney Docket No. **123625.011900** :

DECISION ON PETITION
UNDER § 1.183

This is a decision on the petition, filed January 12, 2012, under 37 CFR 1.47(b), which is being treated under 37 CFR § 1.183 for acceptance of a supplemental declaration without the inclusion of the signature of an inventor as required by §§ 37 CFR 1.67 and 1.63.¹

The petition is **GRANTED**.

The joint inventors all signed the original declaration for patent filed in this application, pursuant to § 1.63(d), However, a substitute declaration was required by the non-Final Office Action mailed August 29, 2011 to correct a defect.

Petitioners assert that joint inventors Fred George Benkley and David Joseph Geoffroy refuse to execute the declaration. The evidence provided shows that the supplemental declaration was sent and delivered to Mr. Benkley and Mr. Geoffroy but that they have not to date returned an executed copy of the substitute declaration. Thus the evidence is found to be adequate to waive the requirement for inventor Benkley and Geoffroy's signature on the supplemental declaration.

The petition includes the last known addresses of the non-signing inventors and an authorization to charge the petition fee and the fee for a two month extension of time. Petitioner is advised that the fee for the petition is set at \$400 not \$200. Petitioner's deposit account no. 50-2638 has been charged in the amount of \$400 for the petition

¹Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal to also sign a supplemental oath or declaration or to provide all information is a waiver of 37 CFR 1.67 and 1.63. See MPEP 603.

fee and \$280 for a two month extension of time to make the January 12, 2012 response timely.

The supplemental declaration has been reviewed and found in compliance with §§ 1.67 and 1.63. In view of the foregoing, it is concluded that waiver of the requirement that the supplemental declaration be signed by joint inventor Nam is appropriate.

This matter is being referred to Technology Center 2624 for further examination as appropriate.

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

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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

**MAILED
JUL 06 2011
OFFICE OF PETITIONS**

In re Application of :
GURCAN :
Application No. 11/957,357 : ON PETITION
Filed: December 14, 2007 :
Attorney Docket No. 021803-000810US :

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

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 27, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). A three (3) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is April 28, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitions have supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405, and the submission required by 37 CFR 1.114; (2) the petition fee of \$810; and (3) a 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 2836 for processing by the Examiner in the normal course of business.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110517

DATE : May 17, 2011

TO SPE OF : ART UNIT 2622

SUBJECT : Request for Certificate of Correction on Patent No.: 7733419

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:

/LIN YE/
Supervisory Patent Examiner.Art Unit 2622



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Alexandria, VA 22313-1450
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**A PATENT LAWYER CORP, PLC
R WILLIAM GRAHAM
22 S ST CLAIR ST
DAYTON OH 45402**

MAILED

SEP 30 2010

In re Application of	:	OFFICE OF PETITIONS
Jennifer Soehner	:	
Application No. 11/957,429	:	DECISION ON PETITION
Filed: December 15, 2007	:	TO WITHDRAW
Attorney Docket No. S-00057-002	:	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 **APPROVED**.

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

The request was signed by R. William Graham on behalf of all attorneys/agents associated with customer 25179. All attorneys/agents associated with customer number 25179 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: Jennifer Soehner
7127 Mt. Holly Road
Waynesville, OH 45068



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/957,429	12/15/2007	Jennifer Soehner	S-00057-002

CONFIRMATION NO. 9310

POWER OF ATTORNEY NOTICE



25179
A PATENT LAWYER CORP, PLC
R WILLIAM GRAHAM
22 S ST CLAIR ST
DAYTON, OH 45402

Date Mailed: 09/29/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/18/2010.

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

/kainabinet/

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



MCCARTHY LAW GROUP
5830 NORTHWEST EXPRESSWAY, #353
OKLAHOMA CITY OK 73132

MAILED

DEC 08 2011

OFFICE OF PETITIONS

DECISION ON PETITION

In re Application of
Xu Zuo et al.
Application No. 11/957,432
Filed: December 15, 2007
Attorney Docket No. **STL13703**

This is a decision on the APPLICANT'S PETITION FOR REVIVAL OF AN UNAVOIDABLY ABANDONED APPLICATION UNDER 37 CFR 1.137(a) filed November 14, 2011.

The petition is **DISMISSED** as involving moot issues.

In response to a non-Final Office Action mailed March 22, 2011, an amendment was filed on June 22, 2011. However, in response thereof, a Notice of Non-Compliant Amendment (37 CFR 1.121) was mailed July 12, 2011 which set a one month period for reply. No response having been filed, the application became abandoned August 12, 2011. Accordingly, a Notice of Abandonment was mailed October 4, 2011.

Petitioner argues that the period for response with extensions of time pursuant to 37 CFR 1.136(a) has not lapsed and thus the Abandonment and Notice of Abandonment are premature.

Under the provisions of 37 CFR 1.136(a), an extension of time up to five months could be obtained making the due date for filing a response no later than January 12, 2012, as claimed by petitioner. As the period for extensions had not expired, the application is not abandoned and the Notice of Abandonment was mailed prematurely.

In view thereof, there is no abandonment in fact and it is not necessary to revive the petition under the unavoidable standard. However, a three month extension of time is required to treat the response filed with the instant petition as timely filed. Per the authorization included with the instant response, a three month extension of time in the amount of \$1270 has been charged to deposit account no. 50-4124.

The abandonment is being withdrawn and this matter is being referred to Technology Center 2627 for appropriate action on the amendment filed November 14, 2011.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
400 INTERSTATE NORTH PARKWAY SE
SUITE 1500
ATLANTA GA 30339

MAILED

NOV 17 2011

OFFICE OF PETITIONS

In re Application of :
Redda et al. :
Application No. 11/957462 : ON PETITION
Filing or 371(c) Date: 12/16/2007 :
Attorney Docket Number: 220602-1050 :

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 1, 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 January 14, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Accordingly, the date of abandonment of this application is April 15, 2011.

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

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

This application is being referred to Technology Center AU 1622 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



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JIANQ CHYUN INTELLECTUAL
PROPERTY OFFICE
7TH FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI 100 TW TAIWAN

MAILED
AUG 25 2011
OFFICE OF PETITIONS

In re Patent No. 7,848,392 :
Issue Date: December 7, 2010 :
Application No. 11/957,487 : **NOTICE**
Filed: December 17, 2007 :
Attorney Docket No. 24217-US-PA :

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

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

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

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

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

Thurman K. Page
Petitions Examiner
Office of Petitions



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HALLIBURTON ENERGY SERVICES
P.O. BOX 819052
DALLAS, TX 75381-9052

MAILED

MAY 02 2011

**OFFICE OF PETITIONS
ON PETITION**

In re Application of :
John D. Burleson et al :
Application No. 11/957,541 :
Filed: December 17, 2007 :
Attorney Docket No. PERFORATING GUN :
GRAVITATIONAL ORIENTATION SYSTEM :

This is a decision on the petition, filed April 28, 2011 under 37 CFR 1.313(c)(2) to withdraw the above identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 26, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

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

Telephone inquiries should be directed to Irvin Dingle at (571) 2723210.

This matter is being referred to Technology Center AU 3641 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

cc: David A. Pittman
Smith IP Services, P.C.
P.O. Box 997
Rockwall, TX 75087

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/957,729	12/17/2007	Kiyoshi Aoyama	2635-564	9843

7590 11/10/2010
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

KONG, SZE-HON

ART UNIT	PAPER NUMBER
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3661

MAIL DATE	DELIVERY MODE
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11/10/2010

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

MAILED BY: 08/08/10 10:00AM
BY: [unclear] AND [unclear] [unclear]
[unclear]



UNITED STATES 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 1, 2012

In re Application of :

Stacey Feeney

Application No : 11957745

Filed : 17-Dec-2007

Attorney Docket No : 420.06-2.7

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed February 1, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

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

This application file is being directed to the Office of Data Management.

Office of Petitions

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	11957745
Filing Date	17-Dec-2007
First Named Inventor	Stacey Feeney
Art Unit	3782
Examiner Name	JES PASCUA
Attorney Docket Number	420.06-2.7
Title	ADAPTABLE GIFT BAG

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
- (4) Statement that the entire delay was unintentional.

Petition fee

The petition fee under 37CFR 1.17(m) is attached.

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

Issue Fee and Publication Fee :

Issue Fee and Publication Fee must accompany ePetition.

- Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

- Drawing corrections and/ or other deficiencies are not required
- I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- Drawing corrections and/ or other deficiencies are attached.

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

Signature	/polly l oliver/
Name	Polly L Oliver
Registration Number	42050



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/957,809	12/17/2007	Robert P. Morris	1482/US	9973
49277	7590	09/13/2011	EXAMINER	
SCENERA RESEARCH, LLC			MCLEOD, MARSHALL M	
5400 Trinity Road			ART UNIT	PAPER NUMBER
Suite 303			2454	
Raleigh, NC 27607			MAIL DATE	DELIVERY MODE
			09/13/2011	PAPER

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

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



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SEP 13 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh NC 27607

In re Application of: MORRIS
Appl. No.: 11/957809
Filed: December 17, 2009
For: METHODS AND SYSTEMS FOR ACCESSING A
RESOURCE BASED ON URN SCHEME MODIFIERS

⋮
⋮
⋮
⋮
⋮

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

This is a decision on the petition for suspension of prosecution under 37 CFR § 1.103(a) filed on August 25, 2011.

The petition is **GRANTED**.

Pursuant to applicant's request filed on August 25, 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of six (6) months. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to Chau Nguyen whose telephone number is (571) 272-3126.

/Chau Nguyen/

Chau Nguyen
Quality Assurance Specialist
Technology Center 2400
Network, Multiplexing, Cable and Security



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COATS & BENNETT/QIMONDA
1400 CRESCENT GREEN
SUITE 300
CARY, NC 27518

MAILED

NOV 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Happ et al.	:	DECISION ON PETITION
Application No. 11/957,878	:	TO WITHDRAW
Filed: December 17, 2007	:	FROM RECORD
Attorney Docket No. 6343-067	:	

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 October 27, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

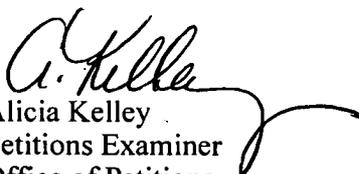
An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

Since the Change of Correspondence Address in the request herein does not indicate the correct name of the assignee properly made of record pursuant to 37 CFR 3.71, the request cannot be granted at this time. Any subsequent request must correctly identify the current assignee of record.

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 November 2, 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.


Alicia Kelley
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 07/12/11

TO SPE OF : ART UNIT 1649

SUBJECT : Request for Certificate of Correction for Appl. No.: 11957891 Patent No.: 7705123

CofC mailroom date: 07/09/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: _____

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: _____

J. Stucker

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
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**DUANE MORRIS LLP - PHILADELPHIA
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196**

**MAILED
FEB 17 2011
OFFICE OF PETITIONS**

In re Application of	:	
Townsend et al.	:	DECISION ON PETITION
Application No. 11/957,903	:	TO WITHDRAW
Filed: December 17, 2007	:	FROM RECORD
Attorney Docket No. E7567-00001	:	

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, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Duane Morris LLP does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Duane Morris LLP not having power of attorney. See MPEP §§ 601.03 and 405.

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

Currently, there is an outstanding Office action mailed December 22, 2010 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 03/07/12

TO SPE OF : ART UNIT 3676

SUBJECT : Request for Certificate of Correction for Appl. No.: 11957912 Patent No.: 8066077

CofC mailroom date: 02/29/12

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

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

Note: Should the changes in 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: _____

 _____

3676

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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**CHOATE, HALL & STEWART/CITRIX SYSTEMS, INC.
TWO INTERNATIONAL PLACE
BOSTON MA 02110**

MAILED

DEC 06 2010

In re Application of :
Myron ZIMMERMAN, et al :
Application No. 11/957,929 :
Filed: December 17, 2007 :
Attorney Docket No. 2006579-1239 (CTX-351CON) :

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed November 10, 2010.

The request is **NOT APPROVED**.

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

A review of the file record indicates that Brenda Herschbach Jarrell does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PATRICK W RASCHE (22402)
ARMSTRONG TEASDALE LLP
7700 FORSYTH BOULEVARD
SUITE 1800
ST LOUIS MO 63105

MAILED

AUG 3 1 2010

OFFICE OF PETITIONS

In re Patent No. 7,397,143 :
Issue Date: July 8, 2008 :
Application No. 11/957,954 : DECISION ON PETITION
Filed: December 17, 2007 :
Attorney Docket No. 200876-6 :

This is a decision on the "REQUEST FOR ISSUANCE OF CORRECTED PATENT DUE TO PTO MISTAKE UNDER 37 C.F.R. 1.322(b)", filed July 16, 2009, which is being treated as a petition under 37 CFR 1.181.

The petition is **DISMISSED**.

Petitioner requests that the office print a corrected patent. The incorrect claims, claims 1 - 21, were printed on Patent No. 7,397,143.

Consultation with the Examiner's SPE, Tulsidas Patel, has confirmed that claims 22 - 42 were the claims that were examined and allowed.

The Office will not issue a corrected patent as requested, because a Certificate of Correction would be adequate to protect the rights of the Patentee and give the public notice. Although claims corrections presented on a Certificate of Correction would not be text searchable in the USPTO Patent Full-Text and Image Database, a text search of the disclosure is possible. The

inability to text search the claims is immaterial as the claims are necessarily supported by the disclosure, which is text searchable and will effectively put the public on notice. Moreover, the USPTO will not *sua sponte* issue a Certificate of Correction as the matter at issue is not clearly disclosed in the records of the Office.

Petitioner may file a renewed petition and request a Certificate of Correction under 37 CFR 1.322. See MPEP 1480. In addition, petitioner is strongly advised to submit the text of the corrected requested on the Certificate of Correction form, PTO/SB/44. In order to allow for comparison by the Office, the petition must include a presentation of the allowed claims as they originally appeared in the application and the corrected (renumbered) claims as they are to appear in the published Certificate of Correction.

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

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

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

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



Cliff Congo
Petitions Attorney
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

GENENTECH, INC.
1 DNA WAY
SOUTH SAN FRANCISCO CA 94080

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of :
Fung et al. : DECISION ON APPLICATION
Application No. 11/958,099 : FOR CORRECTION OF
Filed: Dec. 17, 2007 : PATENT TERM ADJUSTMENT
Attorney Docket No. :
P4059R1 :

This is a decision on the application for patent term adjustment under 37 CFR 1.705(b), filed on February 7, 2011. Applicants requests that the Patent Term Adjustment for the above-identified patent be increased by 68 days from 35 days to 103 days.

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

On November 8, 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 to date is 35 days. This was calculated based on an Office delay of 164 days reduced by 129 days of applicant delay.

On February 7, 2011, applicant timely submitted the instant application for patent term adjustment.¹

Applicants assert that a reduction of 68 days for applicant delay, in connection with the submission of a supplemental information disclosure statement (IDS) filed on October 25,

¹ PALM records show that the Issue Fee was received on February 7, 2011.

2010, should be removed. Specifically applicants state that the IDS was accompanied by the statement in accordance with 37 CFR 1.704(d).

A review of the IDS filed October 25, 2010, reveals that it did not include the proper § 1.704(d) statement. The required statement states, in pertinent part, 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.

(emphasis added)

Applicants are reminded that § 1.704(d) was revised, effective May 24, 2004. This revision requires that the statement include the language "each item of information contained in the information disclosure statement was first cited ..." for the exception to apply. See 69 FR 21704, Apr. 22, 2004.

As a proper statement under 37 CFR 1.704(d) was not provided, the reduction of 68 days for the filing of a supplemental reply or other paper, filed on October 25, 2010, is warranted and will not be removed.

In view thereof, no adjustment will be made in the determination of patent term adjustment at the time of the mailing of the notice of allowance.

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

The application is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

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



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3283

/Boris Milef/
Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration



UNITED STATES PATENT AND TRADEMARK OFFICE

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

STONEMAN LAW PATENT GROUP
PO BOX 40070
PHOENIX, AZ 85067-0070

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of
John D. Hawthorne
Application No. 11/958,335
Filed: December 17, 2007
Attorney Docket No. P06734

:
:
:
:
:
:
:

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed February 11, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that Lori L. Ivan does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

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

cc: JOHN DAVID HAWTHORNE
C/O FUNERAL SERVICES FOR ALL, LLC
3411 N. 5TH AVENUE, #303
PHOENIX, AZ 85013



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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STONEMAN LAW PATENT GROUP
P.O. BOX 40070
PHOENIX, AZ 85067-0070

MAILED

MAY 17 2011

OFFICE OF PETITIONS

In re Application of	:	
John D. Hawthorne	:	
Application No. 11/958,335	:	DECISION ON PETITION
Filed: December 17, 2007	:	TO WITHDRAW
Attorney Docket No. P06734	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 7, 2011.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Stoneman Law Patent Group has been revoked by the assignee of the patent application on April 18, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : January 31, 2012

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

Kenneth Bailey

ATTORNEY/AGENT OF RECORD

Application No : 11958343

Filed: 17-Dec-2007

Attorney Docket No : Ubiquitypuzzle022

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed January 31, 2012

The request is **APPROVED**

The request was signed by Scott Harris (registration no. 32030) 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 Chris Carmichael
Name2
Address 1 9801 Research Drive
Address 2
City Irvine
State CA
Postal Code 92675
Country US

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

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

Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11958343	
Filing Date	17-Dec-2007	
First Named Inventor	Kenneth Bailey	
Art Unit	3716	
Examiner Name	ANKIT DOSHI	
Attorney Docket Number	Ubiquitypuzzle022	
Title	Interactive Puzzle Game over a Portable Device	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and all the practitioners of record.		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Chris Carmichael	
Address	9801 Research Drive	
City	Irvine	
State	CA	
Postal Code	92675	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Scott C Harris/
Name	Scott Harris
Registration Number	32030



UNITED STATES PATENT AND TRADEMARK OFFICE

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

LOCTITE CORPORATION
ONE HENKEL WAY
ROCKY HILL, CT 06067

MAILED
APR 20 2011
OFFICE OF PETITIONS

In re Application of :
Bahram Issari :
Application No. 11/958,404 : DECISION ON PETITION
Filed: December 18, 2007 :
Attorney Docket No. LC-490/DIV/US :

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

This application became abandoned for failure to timely pay the issue and publication fees on or before February 26, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed November 26, 2010. Accordingly, the date of abandonment of this application is February 27, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510 and the publication fee of \$300, (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the status of 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 into a patent.


April M. Wise
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/31/11

TO SPE OF : ART UNIT 2629

SUBJECT : Request for Certificate of Correction for Appl. No.: 11958455 Patent No.: 8054248

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**

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

Note: Should the Related U.S. Application Data and Foreign Application Priority Data be inserted?

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: _____

SPE

Art Unit

/Prabodh Dharia / Primary Examiner

01-01-2012

Docket No.: YHK-0102.01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Confirmation No.: 1146

Moon Shick CHUNG et al.

Group Art Unit: 2629

Serial No.: 11/958,455

Examiner: Prabodh M. Dharia

Filed: December 18, 2007

Customer No.: 34610

For: **METHOD AND APPARATUS FOR DRIVING PLASMA DISPLAY PANEL**
REQUEST FOR CERTIFICATE OF CORRECTION

ATTN: Certificate of Corrections Branch

U.S. Patent and Trademark Office

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, Virginia 22314

Sir:

Applicants request the U.S. Patent and Trademark Office to issue a Certificate of Correction to include the Related U.S. Application Data and Foreign Application Priority Data sections of Issued Patent No. 8,054,248 to include minor changes which are of a clerical nature, a typographical nature and/or a mistake of minor character. No new matter is added and/or no reexamination is required.

It is believed that no fee is due. However, please credit or debit Deposit Account No. 16-0607 as necessary to effect entry of the attached corrections.

Respectfully submitted,
KED & ASSOCIATES, LLP



David C. Oren

Registration No. 38,694

Correspondence Address:

P.O. Box 8638

Reston, VA 20195

703 766-3777 DCO/tmd

Date: December 22, 2011

Please direct all correspondence to Customer Number 34610

Q:\Documents\2017-090.1\308448

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

PATENT NO. : 8,054,248
APPLICATION NO.: 11/958,455
ISSUE DATE : November 8, 2011
INVENTOR(S) : Moon Shick CHUNG et al.

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

Related U.S. Application Data

**(63) Continuation of application No. 10/378,617, filed on
March 5, 2003, now Pat. No. 7,333,075.**

(30) Foreign Application Priority Data

Mar. 6, 2002 (KR) P2002-12001

MAILING ADDRESS OF SENDER:

KED & ASSOCIATES, LLP
P.O. Box 8638
Reston, VA 20195

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.

Dharia, Prabodh M.

From: Newsome, Lamonte
Sent: Saturday, December 31, 2011 1:12 PM
To: Dharia, Prabodh M.
Subject: 11958455
Attachments: SPE's Reponse 9-19-11.doc

Please review the attached document.

Examiner/SPE:

- Read the request from the attorney/applicant dated ____12/22/11_____
- Print out the IMIS and indicate your approval, approval in part (please indicate what is denied and what is approved), or denial of the request and sign
- Send the IMIS for scanning under the code COCX
- Send me an email indicating that you've sent the COCX and I will look for your decision.

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

Lamonte M. Newsome

Certificate of Corrections

571-272-3421 (Voice)

571-273-3421 (Fax)



**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.
11/958,455	18 December, 2007	CHUNG ET AL.	YHK-0102.01

KED & ASSOCIATES, LLP P.O. Box 8638 Reston, VA 20195	EXAMINER	
	PRABODH M. DHARIA	
	ART UNIT	PAPER
	2629	20120101

DATE MAILED:

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

Commissioner for Patents

1. Examiner did search during notice allowance as well as during approval of certificate of correction of instant patented application# 11958455; Patent# 8,054,248 for interference as well as possible double patenting rejection with respect to the Patented application# 10378617; patent# 7,333,075 Claim limitations. Patent# 7,333,075 Claims 1-35, does not recites, suggests, infers or disclose all of the Claims limitations recited in Child patented application# 11958455; Patent# 8,054,248. Therefore applicant request to insert as parent patented application # 10378617; patent# 7,333,075 and claim Priority by inserting parent patented application# 10378617; patent# 7,333,075 as priority data in specification as well as Bio data is approved. Further Applicant has complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. with a specific reference to the prior-filed application in compliance with 37 CFR 1.78(a) is included in the first sentence(s) of the specification following the title or in an application data sheet filed on 12-02-2010. Applicant has also included claiming under 35 U.S.C. 120, 121 or 365(c), the relationship (i.e., continuation, divisional, or continuation-in-part) of the applications. Applicant has also recited status (abandoned, patented or co-pending) of the parent application. Applicant is also claiming for the foreign priority with filed oath and declaration on 12-18-2007. The bibliography of 09-02-2010 does disclosed claiming for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c).

/PRABODH M DHARIA/
Primary Examiner
Art Unit: 2629



UNITED STATES PATENT AND TRADEMARK OFFICE

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

NSIP LAW
P.O. Box 34688
Washington DC 20043

MAILED
DEC 09 2011
OFFICE OF PETITIONS

In re Application of :
Sung-Hee HWANG :
Application No. 11/958,498 : **DECISION ON PETITION**
Filed: December 18, 2007 :
Attorney Docket No. 1101.0342 :

This is a decision on the petition filed August 16, 2011, under the provisions of 37 CFR 1.59(b), to expunge information from the above identified application. This is also a decision on the request that, "in accordance with 35 U.S.C. 42(d) and 37 CFR 1.26 that the fee (\$880 excess independent claims fee) submitted in the above-identified application on August 12, 2011, be credited to the credit card account to which the fee was initially charged (See 37 CFR 1.26(a))."

The petition to expunge is **DISMISSED**.

Any request for reconsideration of this decision must include a cover letter entitled "Renewed Petition under 37 CFR 1.59(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A petition under 37 CFR 1.59(b) requires a fee of \$200 under 37 CFR 1.17(g) that is being charged to the Deposit Account 50-3333, as authorized.

As an initial matter, petitioner should note that from the list of documents being sought to be expunged from the instant application, all the documents identified in the instant petition, with the exception of "EFS Acknowledgment Receipt" having the identifier EFSID of 10725610 and "Electronic Patent Application Fee Transmittal" had sufficient identifiers thereon to be associated with the application number indicated on the documents. These documents having a different application number have been closed from the Image File Wrapper (IFW) record of the instant application thereby removing them from a list of publicly available documents associated with this application. However, the "EFS Acknowledgment Receipt" and "Electronic Patent Application Fee Transmittal" had only the identifiers associated with the instant application and thus a petition under 37 CFR 1:59(b) is appropriate to consider their expungement from the instant application. The discussion below pertains to expungement of these two documents from the file record of the instant application.

The grant of a petition under 37 CFR 1.59 (b) to expunge information submitted in an incorrect application will be governed by the factors: (A) the Office can effect such return prior to the issuance of any patent on the application in issue; (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted; (C) the information has not otherwise been made public; (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted; (E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and (F) the petition fee as set forth in 37 CFR 1.17(g) is included. See MPEP 724.05 (III). The instant petition fails to satisfy the factors (B) and (D).

In regard to factors (B) and (D), the instant petition fails to include a statement that states (a) failure to obtain the return of the information submitted 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 (b) that there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted.

The petition for refund is **GRANTED**.

In regard to the concurrently filed request for refund of the \$880 fee paid for the number of independent claims exceeding three, it is noted that the fee is associated with the papers intended for the other application. These papers have been closed from the Image File Wrapper (IFW) record of the instant application, as noted above. 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). As the fee in question was not due in the instant application, the fee is regarded as one paid by mistake and is being credited to the credit card account as requested.

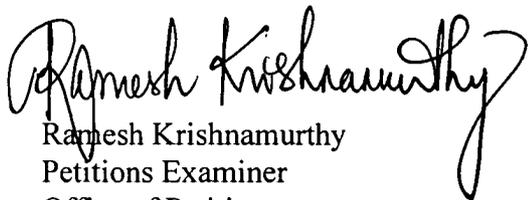
Further correspondence with respect to this matter should be addressed as follows:

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) 272-4914.

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

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

**MICHAEL RIES
318 PARKER PLACE
OSWEGO IL 60543**

MAILED

JAN 11 2011

In re Application of	:	OFFICE OF PETITIONS
Mark Komosa	:	
Application No. 11/958,543	:	DECISION ON PETITION
Filed: December 18, 2007	:	
Attorney Docket No. IPX07KOMO001	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 2, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal Office action mailed September 29, 2009, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 2612 for appropriate action by the Examiner in the normal course of business.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : December 13, 2011

In re Application of :

Naoto Adachi

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11958579

Filed : 18-Dec-2007

Attorney Docket No : 06-41463

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

The petition is **GRANTED**.

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

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

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

This application file is being referred to Technology Center AU 2611 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	11958579
Filing Date	18-Dec-2007
First Named Inventor	Naoto Adachi
Art Unit	2611
Examiner Name	RAHEL GUARINO
Attorney Docket Number	06-41463
Title	OFDM RECEIVER 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 2011.12.13
 - 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	/Raphael A. Valencia/
Name	Raphael A. Valencia
Registration Number	43216



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**BROOKS KUSHMAN P.C. /Oracle America/ SUN / STK
1000 TOWN CENTER, TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075-1238**

MAILED

MAR 04 2011

OFFICE OF PETITIONS

In re Application of :
Martin P. MAYHEAD, et al. :
Application No. 11/958,586 : DECISION GRANTING PETITION
Filed: December 18, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **SUN070279-US-NP** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 2, 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 26, 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 2454 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/958,701	12/18/2007	Robert P. Morris	1480/US	1566
49277	7590	02/04/2011	EXAMINER	
SCENERA RESEARCH, LLC			HERNDON, HEATHER R	
5400 Trinity Road			ART UNIT	PAPER NUMBER
Suite 303			2176	
Raleigh, NC 27607			MAIL DATE	DELIVERY MODE
			02/04/2011	PAPER

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

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



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SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh NC 27607

In re Application of:
MORRIS, Robert et al.
Application No. 11/958,701
Filed: December 18, 2007
For: **METHODS AND SYSTEMS FOR
GENERATING A MARKUP-
LANGUAGE-BASED RESOURCE
FROM A MEDIA SPREADSHEET**

**DECISION ON PETITION
UNDER 37 C.F.R. § 1.103(a)**

This is a decision on the petition for suspension of prosecution under 37 CFR § 1.103(a) filed on January 24, 2011.

The petition is **GRANTED**.

Pursuant to applicant's requests filed on January 24, 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of **three (3) months from the mailing date of this letter**. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to Eddie C. Lee whose telephone number is (571) 272-1732.

Vincent Trans
Quality Assurance Specialist, TC 2100
571-272-3613



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/958,701	12/18/2007	Robert P. Morris	1480/US	1566
49277	7590	06/02/2011	EXAMINER	
SCENERA RESEARCH, LLC			BLOOMQUIST, KEITH D	
5400 Trinity Road			ART UNIT	PAPER NUMBER
Suite 303			2178	
Raleigh, NC 27607			MAIL DATE	DELIVERY MODE
			06/02/2011	PAPER

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

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



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SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh NC 27607

In re Application of:
MORRIS, Robert et al.
Application No. 11/958,701
Filed: December 18, 2007
For: **METHODS AND SYSTEMS FOR
GENERATING A MARKUP-
LANGUAGE-BASED RESOURCE
FROM A MEDIA SPREADSHEET**

**DECISION ON PETITION
UNDER 37 C.F.R. § 1.103(a)**

This is a decision on the petition for suspension of prosecution under 37 CFR § 1.103(a) filed on May 6, 2011.

The petition is **GRANTED**.

Pursuant to applicant's requests filed on May 6, 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of ***three (3) months from the mailing date of this letter***. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to Eddie C. Lee whose telephone number is (571) 272-1732.

/Eddie C. Lee/

Quality Assurance Specialist, TC 2100



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/958,701	12/18/2007	Robert P. Morris	1480/US	1566
49277	7590	12/22/2011	EXAMINER	
SCENERA RESEARCH, LLC			BLOOMQUIST, KEITH D	
5400 Trinity Road			ART UNIT	PAPER NUMBER
Suite 303			2178	
Raleigh, NC 27607			MAIL DATE	DELIVERY MODE
			12/22/2011	PAPER

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

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John A. Demos
SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh, North Carolina 27607

In re Application of:
Robert P. MORRIS
Appl. No.: 11/958,701
Filed: December 12, 2007
For: METHODS AND SYSTEMS FOR GENERATING A
MARKUP LANGUAGE BASED RESOURCE FROM A
MEDIA SPREADSHEET

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

This is a decision on the petition for suspension of prosecutions under 37 CFR § 1.103(a) filed on 21 December 2011.

The petition is **GRANTED**.

Pursuant to applicant's requests filed on 21 December 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of ***three (3) months from the mailing date of this letter***. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

/Vincent N. Trans/
Vincent N. Trans, QAS
Technology Center 2100
Computer Architecture and Software



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/958,701	12/18/2007	Robert P. Morris	I480/US	1566
49277	7590	03/29/2012	EXAMINER	
SCENERA RESEARCH, LLC			BLOOMQUIST, KEITH D	
5400 Trinity Road			ART UNIT	PAPER NUMBER
Suite 303			2178	
Raleigh, NC 27607			MAIL DATE	DELIVERY MODE
			03/29/2012	PAPER

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

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



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John A. Demos
SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh, North Carolina 27607

In re Application of:
Robert P. MORRIS
Appl. No.: 11/958,701
Filed: December 12, 2007
For: METHODS AND SYSTEMS FOR GENERATING A
MARKUP LANGUAGE BASED RESOURCE FROM A
MEDIA SPREADSHEET

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

This is a decision on the petition for suspension of prosecutions under 37 CFR § 1.103(a) filed on 27 March 2012.

The petition is **GRANTED**.

Pursuant to applicant's requests filed on 27 March 2012, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of ***three (3) months from the mailing date of this letter***. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

/Vincent N. Trans/
Vincent N. Trans, QAS
Technology Center 2100
Computer Architecture and Software



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In re Application of :
Cortez, Robert :
Application No. 11/958,766 :
Filed: December 18, 2007 :
Attorney Docket No. RC-0 :

ON PETITION

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed July 13, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

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

This application became abandoned for failure to timely reply to the non-final Office action mailed November 15, 2010. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on February 16, 2011. A Notice of Abandonment was mailed June 2, 2011.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3).

Although both the originally filed Oath/Declaration and Power of Attorney reference Customer Number 36489 with regards to the correspondence address, petitioner states, "The application was mistakenly associated with Customer Number 42799 by the USPTO. 42799 is the registration number of the applicant's attorney who filed the application."

Petitioner further states, "The abandonment was unavoidable. Leyendecker & Lemire and by association the applicant were unaware that an Office action had issued and as such were unaware that a response needed to be filed."

As stated in MPEP 601.03,

37 CFR 1.33(a) provides that the application must specify a correspondence address to which the Office will send notice, letters, and other communications relating to an application. The correspondence address must either be in an application data sheet (37 CFR 1.76) or in a clearly identifiable manner elsewhere in any papers submitted with the application filing. If more than one correspondence address is specified in a single document, the Office will select one of the specified addresses for use as the correspondence address and, if given, will select the address associated with a Customer Number over a typed correspondence address. Additionally, applicants will often specify the correspondence address in more than one paper that is filed with an application, and the address given in the different places sometimes conflicts. **Where the applicant specifically directs the Office to use non-matching correspondence addresses in more than one paper, priority will be accorded to the correspondence address specified in the following order: (A) Application data sheet (ADS); (B) application transmittal; (C) oath or declaration (unless power of attorney is more current); and (D) power of attorney.** Accordingly, if the ADS includes a typed correspondence address, and the declaration gives a different address (i.e., the address associated with a Customer Number) as the correspondence address, the Office will use the typed correspondence address as included on the ADS.

A delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay. See Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (N.D. Ind. 1987), Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891). A delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (1) the applicant's reliance upon oral advice from Office employees; or (2) the Office's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action. See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985); see also In re Colombo, Inc., 33 USPQ2d 1530, 1532 (Comm'r Pat. 1994) (while the Office attempts to notify applicants of deficiencies in their responses in a manner permitting a timely correction, the Office has no obligation to notify parties of deficiencies in their responses in a manner permitting a timely correction).

Since there were conflicting addresses provided upon filing, and as there was no ADS filed in the instant application, the Office entered the address associated with the Customer Number provided on the Utility Patent Application Transmittal. As such, proper procedure was followed as specified above in MPEP 601.03. Accordingly, the petition to revive based on unavoidable delay cannot be granted.

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the \$810.00 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 facsimile: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

/dab/
David Bucci
Petitions Examiner
Office of Petitions



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CENTENNIAL CO 80112

In re Application of :
Cortez, Robert :
Application No. 11/958,766 : **ON PETITION**
Filed: December 18, 2007 :
Attorney Docket No. RC-0 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 26, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Office Action Response and Amendment (previously received on July 13, 2011); (2) the petition fee of \$930.00; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU3754 for further examination on the merits.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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SHELTON CT 06484**

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In re Application of :
Ronald S. TARR et al. :
Application No. 11/958,900 : DECISION ON PETITION
Filed: December 18, 2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 226797-1 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed January 18, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed nonprovisional application set forth in the concurrently filed amendment.

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 comply with item (1)

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a

continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. See MPEP Section 201.11, Reference to Prior Nonprovisional Applications. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)), which states the relationship of the prior-filed application to this application, 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



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SHELTON CT 06484**

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OFFICE OF PETITIONS

In re Application of :
Ronald S. TARR et al. :
Application No. 11/958,900 : **DECISION ON PETITION**
Filed: December 18, 2007 : **UNDER 37 CFR 1.78(a)(3)**
Attorney Docket No. 226797-1 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed June 08, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed nonprovisional application set forth in the concurrently filed amendment.

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



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SHELTON CT 06484

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In re Application of :
Ronald S. TARR et al. :
Application No. 11/958,900 : DECISION ON PETITION
Filed: December 18, 2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 226797-1 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed July 12, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional Application No. 11/610,798, filed December 14, 2006.

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 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

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

The petition does not satisfy item (1) above.

The amendment can not be entered. Consultation with the examiner in charge of the application indicates that the response fails to place the application in condition for allowance. See advisory action mailed July 14, 2011.

Before the petition can be granted, petitioner must submit a substitute amendment in compliance with the aforementioned rules, along with a renewed petition under 37 CFR 1.78(a)(3).¹

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

¹ The claim for priority may also be made in an Application Data Sheet in compliance with 37 CFR 1.121 and 37 CFR 1.76(b)(5).



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SHELTON CT 06484**

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OFFICE OF PETITIONS**

In re Application of :
Ronald Scott TARR et al. :
Application No. 11/958,900 : DECISION ON PETITION
Filed: December 18, 2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. **226797-1** :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed September 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 **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.

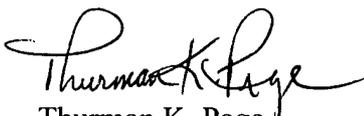
The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of 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.

The rule at 37 CFR § 1.78(a)(3) requires 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. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR § 1.78(a)(3). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

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 3744 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

Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Values: 11/958,900, 12/18/2007, 3744, 1510, 226797-1, 27, 2

CONFIRMATION NO. 1867

CORRECTED FILING RECEIPT



52082
General Electric Company
GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484

Date Mailed: 09/22/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

- Ronald Scott Tarr, Louisville, KY;
Matthew William Davis, Prospect, KY;
Alvaro Delgado, Louisville, KY;
Omar Haidar, Louisville, KY;
Alexander Pinkus Rafalovich, Louisville, KY;
Toby Whitaker, Loveland, CO;
Martin Mitchell Zentner, Prospect, KY;

Power of Attorney: The patent practitioners associated with Customer Number 52082

Domestic Priority data as claimed by applicant

This application is a CIP of 11/610,798 12/14/2006 PAT 7,610,773

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.)

Permission to Access - A proper Authorization to Permit Access to Application by Participating Offices (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 02/29/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/958,900

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

TEMPERATURE CONTROLLED COMPARTMENT AND METHOD FOR A REFRIGERATOR

Preliminary Class

062

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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

Sandra M. Katz
Panitch Schwarze Belisario &Nadel LLP
One Commerce Square
2005 Market Street, Suite 2200
Philadelphia, Pennsylvania 19103

ej



PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

MAILED

NOV 25 2011

OFFICE OF PETITIONS

In re Patent No. 7,956,145 :
Issued: June 7, 2011 :
Application No. 11/958,905 :
Filed: December 18, 2007 :
Attorney Docket Number: 600630-72 :

ON PETITION

This is a decision on the petition, filed November 9, 2011, under 37 CFR 3.81(b)¹ to correct the assignee information on the front of the Patent.

The petition is **GRANTED**.

Petitioner states that the name of a second assignee was inadvertently not included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee in the instant matter. Accordingly, petitioner requests that a certificate of correction be issued to reflect the names of NATIONAL INSTITUTE OF ADVANCED INDUSTRIAL SCIENCE & TECHNOLOGY, TOKYO (JP) and TSUKISHIMA KIKAI CO., LTD., TOKYO (JP) on the front page of the Letters Patent.

In view thereof, and since Office assignment records reflect that SUMITOMO CHEMICAL COMPANY, LIMITED, TOKYO (JP) and TOKYO INSTITUTE OF TECHNOLOGY, TOKYO (JP) are the assignees of record, the request complies with the provisions of 37 CFR 3.81(b) and it is therefore appropriate for a certificate of correction to issue.

The petition fee in the amount of \$130.00 and the fee for the certificate of correction in the amount of \$100 have been applied.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3212. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This file is being referred to the Certificates of Correction Branch for issuance of a certificate of correction.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ See Official Gazette of June 22, 2004

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : **02/17/11**

TO SPE OF : ART UNIT: **2884 Attn: PORTA DAVID P (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/959049** Patent No.: **7853167**

CofC Mailroom date: **02/07/11**

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1593 or 703-756-1814

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

/David P. Porta/

2884

SPE

Art Unit



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United States Patent and Trademark Office
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Sprinkle IP Law Group/Zimmer
1301 W. 25th Street
Suite 408
Austin, TX 78705

MAILED
MAR 28 2012
OFFICE OF PETITIONS

In re Application of :
Melissa Davis et al. :
Application No. 11/959,063 : **DECISION ON PETITION**
Filed: December 18, 2007 : **TO WITHDRAW**
Attorney Docket No. 1292.1478101 : **FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 25, 2012.

The request is moot because a revocation of power of attorney has been filed.

A review of the file record indicates that the power of attorney to all attorneys/agents associated with the firm of Sprinkle Law Group have been revoked by the assignee of the patent application on March 1, 2012. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Seager, Tufte & Wickhem, LLC
1221 Nicollet Avenue
Suite 800
Minneapolis, MN 55403-2420



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Law Office of Scott C Harris Inc
PO Box 1389
Rancho Santa Fe CA 92067

MAILED
DEC 19 2011
OFFICE OF PETITIONS

In re Application of :
Kenneth S. Bailey et al. :
Application No. 11/959,076 :
Filed: December 18, 2007 :
Attorney Docket No. Ubiq-Bobble024 :

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 28, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Scott C. Harris on behalf of all attorneys/agents associated with customer number 74162. All attorneys/agents associated with customer number 74162 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: Chris Carmichael
9801 Research Drive
Irvine, CA 92675



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/959,076	12/18/2007	Kenneth S. Bailey	Ubiq-Bobble024

CONFIRMATION NO. 2140

POWER OF ATTORNEY NOTICE

74162
Law Office of Scott C Harris Inc
PO Box 1389
Rancho Santa Fe, CA 92067



OC000000051545323

Date Mailed: 12/19/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/28/2001.

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

/kainabinet/

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



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WHYTE HIRSCHBOECK DUDEK S.C.
INTELLECTUAL PROPERTY DEPARTMENT
33 EAST MAIN STREET, SUITE 300
MADISON, WI 53703-4655

MAILED

SEP 24 2010

OFFICE OF PETITIONS

In re Application of
Smith et al.
Application No. 11/959,100
Filed: December 18, 2007
Attorney Docket No. R&S-32509-B

:
:
:
: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)
:

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3), filed July 15, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §§120 for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

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

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

The instant petition does not comply with item (1) above.

The present application 11/959,100, filed December 18, 2007 is claiming the benefit of nonprovisional application 29/279,204, filed April 23, 2007, under U.S.C 120. However, the instant application was filed after the abandonment of the prior application. As such, copendency does not exist between these applications and the benefit claim to the prior-filed nonprovisional application is improper. Copendency between the instant application and the prior application is required. Applicant is required to delete the reference to the prior-filed applications from the first sentence(s) of the specification or the application data sheet, depending on where the reference was originally submitted, unless applicant can establish that this application, or an intermediate nonprovisional application, was filed prior to the abandonment date of the nonprovisional application, the benefit claim will not be accepted.

Accordingly, before the petition under 37 CFR 1.78(a)(3) can be granted, a substitute amendment¹ deleting the reference to the prior-filed applications from the first sentence(s) of the specification, or the application data sheet, depending on where the reference was originally submitted, unless applicant can establish copendency between the applications along with a renewed petition under 37 CFR 1.78(a)(3) is required.

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

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

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

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

Any questions concerning this matter may be directed to Alicia Kelley at (571) 272-6509.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

¹ Note 37 CFR 1.121



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WHYTE HIRSCHBOECK DUDEK S.C.
INTELLECTUAL PROPERTY DEPARTMENT
33 EAST MAIN STREET, SUITE 300
MADISON, WI 53703-4655

MAILED
OCT 21 2010
OFFICE OF PETITIONS

In re Application of
Smith et al.
Application No. 11/959,100
Filed: December 18, 2007
Attorney Docket No. R&S-32509-B

:
:
: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)
:

CORRECTED DECISION

This is a corrected decision on the petitions under 37 CFR § 1.78(a)(3), filed July 15, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of prior-filed nonprovisional Application No. 29/279,204, filed April 23, 2007, as set forth in the concurrently filed amendment. The previous petition decision mailed September 23, 2010, is hereby vacated.

The petition is **GRANTED**.

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

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

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

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the above-noted, prior-filed nonprovisional applications have been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional applications satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

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

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

Any questions concerning this matter may be directed to Alicia Kelley at (571) 272-6059.

This matter is being referred to Technology Center Art Unit 2833 for appropriate action on the amendment submitted July 15, 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 applications.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/959,100, 12/18/2007, 2833, 745, R&S-32509-B, 21, 3

CONFIRMATION NO. 2181

CORRECTED FILING RECEIPT

56080
WHYTE HIRSCHBOECK DUDEK S.C.
INTELLECTUAL PROPERTY DEPARTMENT
33 East Main Street, Suite 300
Madison, WI 53703-4655



Date Mailed: 10/20/2010

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)

Judd C. Smith, Lake Geneva, WI;
Brett Rammel, Muskego, WI;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 29/279,204 04/23/2007 ABN
which is a DIV of 29/146,926 08/20/2001 PAT D,541,177

Foreign Applications

If Required, Foreign Filing License Granted: 01/14/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/959,100

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

CLOCK FOR DISPLAYING COLLECTIBLES

Preliminary Class

368

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

WHYTE HIRSCHBOECK DUDEK S.C.
INTELLECTUAL PROPERTY DEPARTMENT
33 EAST MAIN STREET, SUITE 300
MADISON, WI 53703-4655

MAILED
DEC 10 2010
OFFICE OF PETITIONS

In re Application of :
Smith et al. :
Application No. 11/959,100 :
Filed: December 18, 2007 :
Attorney Docket No. R&S-32509-B :

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 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. 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).

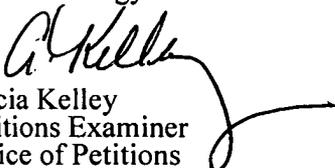
The request was signed by Mary E. Eberle, on behalf of the practitioners of record associated with Customer No. 56080.

Customer No. 56080 has been withdrawn as from record. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding final Office action mailed December 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.


Alicia Kelley
Petitions Examiner
Office of Petitions

cc: JUDD C. SMITH
6319 HIGHWAY 50
LAKE GENEVA, WI 53147



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/959,100	12/18/2007	Judd C. Smith	R&S-32509-B

CONFIRMATION NO. 2181

POWER OF ATTORNEY NOTICE



Date Mailed: 12/09/2010

56080
WHYTE HIRSCHBOECK DUDEK S.C.
INTELLECTUAL PROPERTY DEPARTMENT
33 East Main Street, Suite 300
Madison, WI 53703-4655

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/15/2010.

- 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.

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

MAILED
APR 01 2011
OFFICE OF PETITIONS

In re Application of :
Wills et al. :
Application No. 11/959,113 : **DECISION ON PETITION**
Filed: December 18, 2007 : **TO WITHDRAW FROM RECORD**
Attorney Docket No. NAI1P623/07.121.01 :
:

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 24, 2011.

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

A review of the file record indicates that on March 22, 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
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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED

AUG 04 2010

OFFICE OF PETITIONS

In re Patent No. 7,482,729
Issue Date: January 27, 2009
Application No. 11/959,118
Filed: December 18, 2007
Attorney Docket No. 119098.01

ON PETITION

This is a decision on the renewed petition filed December 24, 2009, which is being treated as a petition under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a certificate of correction.

The request is **GRANTED**.

Petitioner states that the correct assignee's name is "Palo Alto Research Corporation Incorporated, Palo Alto, CA (US)" and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

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
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

MAILED
JUN 13 2011
OFFICE OF PETITIONS

In re Application of :
Tomoya Tabuchi et al :
Application No. 11/959,130 : DECISION GRANTING PETITION
Filed: December 18, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 114324-KC0011 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 10, 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 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

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

This application is being referred to Technology Center AU 2875 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

DATE : 06-14-11

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/959181 Patent No.: 7790746

CofC mailroom date: 06-07-11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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



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.

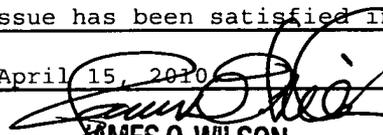
Comments: Please do not insert "carboxylic" in claim 3, line 10 of column 134.

Insertion of "carboxylic" raises new issues under 35 U.S.C. 112, second paragraph, with respect to broader and narrower limitations in the same claim.

This issue has been satisfied in the allowed "Amendments to the Claims",

filed April 15, 2010

SPE


JAMES O. WILSON
SUPERVISORY PATENT EXAMINER

Art Unit

1624



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121-1714

MAILED
FEB 11 2011
OFFICE OF PETITIONS

In re Application of :
B. SUN et al. : DECISION GRANTING PETITION
Application No. 11/959,209 : UNDER 37 CFR 1.137(b)
Filed: 18 December 2007 :
Atty. Docket No. 071927 :

This is a decision on the petition under 37 CFR 1.137(b) ("1.137(b)"), filed 18 May 2010, to revive the above-identified application.

The petition is **DISMISSED**.

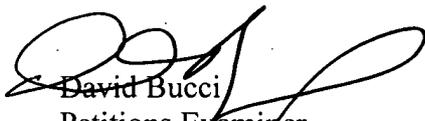
The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fees Due mailed 24 December 2009 ("Notice"), which set a statutory period of reply of three (3) months. No reply was received. The Application thus became abandoned on 24 March 2010, and notification was mailed 12 April 2010.

A satisfactory petition under 37 CFR 1.137(b) requires (1) an appropriate reply, (2) a 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 1.137(b) was unintentional. The petition includes a reply in the form of a Request for Continued Examination, plus fee of \$810.00, however this reply is not appropriate. Under 35 U.S.C 41(a)(7), the payment of the issue fee is a condition of reviving an application abandoned for failure to pay the issue fee. Further, a petition to revive an application abandoned for failure to pay the publication fee must include the publication fee (*see*, MPEP 711.03(c)). Therefore, lacking the issue and publication fees, the reply is inappropriate.

Regarding the Statement in the Petition, while the language varies from the language required by 1.137(b), the Statement is being *prima facie* construed as the statement required by 1.137(b). **Petitioner must notify the Office if this is not a correct interpretation of the Statement in the present Petition.** Thus, the reply to the outstanding Office action is accepted as having been unintentionally delayed.

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-6051), or, if unavailable, the undersigned at 571-272-7099.

The application file will be referred to Technology Center Notice of Allowance for further action on the filed Response.



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

MAILED

MAY 17 2011

OFFICE OF PETITIONS

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121-1714

In re Application of :
B. SUN et al. : DECISION GRANTING PETITION
Application No. 11/959,209 : UNDER 37 CFR 1.137(b)
Filed: 18 December 2007 :
Atty. Docket No. 071927 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 5, 2011, which is being treated as a renewed petition, 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 Fees Due mailed 24 December 2009 ("Notice"), which set a statutory period of reply of three (3) months. No reply was received. The Application thus became abandoned on 25 March 2010, and notification was mailed 12 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 Request for Continued Examination (RCE), RCE fee, the submission required under 37 CFR 1.114, issue fee, and publication fee, (2) a petition fee of \$1620, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

Petitioner has submitted the petition fee of \$1620 twice (May 18, 2010 and April 5, 2011), however only one fee is required. Accordingly, \$1620 will be returned to petitioners deposit account 17-0026.

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 2817 for further action.

for 
David Bucci
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:) For: AMPLIFIER WITH
Bo Sun) DYNAMIC BIAS
)
Serial No.: 11/959,209)
) Examiner: Henry Choe
Filed: December 18, 2007)
) Group Art Unit: 2817

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

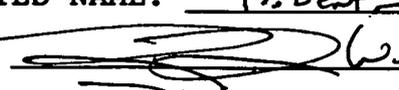
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. This application became abandoned on April 12, 2010.
2. This petition is filed:
 - within one year of the date of abandonment.
 - within three months of the date of the first decision on a petition to revive under 37 CFR 1.137(a) which was filed within one year of the date of abandonment.
 - the three month period has been extended up to (Type Date).
 - enclosed is a petition and fee for extension of the three month period to (Type Date).
3. 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.
4. Proposed response:
 - has been filed.
 - is attached.
 - The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application copending with this application.

Adjustment date: 05/16/2011 CKHLOK
04/06/2011 INIEFSW 00005765 170026 11959209
01 FC:1453 1620.00 CR

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND								
1 Date of Request: <u>May 5, 2011</u>		2 Serial/Patent # <u>11/959,209</u>						
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED					
<input type="checkbox"/>	Filing		\$					
<input type="checkbox"/>	Amendment		\$					
<input type="checkbox"/>	Extension of Time		\$					
<input type="checkbox"/>	Notice of Appeal/Appeal		\$					
<input checked="" type="checkbox"/>	Petition		\$ <u>1620</u>					
<input type="checkbox"/>	Issue		\$					
<input type="checkbox"/>	Cert of Correction/Terminal Disc.		\$					
<input type="checkbox"/>	Maintenance		\$					
<input type="checkbox"/>	Assignment		\$					
<input type="checkbox"/>	Other		\$					
		7 TOTAL AMOUNT OF REFUND						
		\$ <u>1620</u>						
10 REASON:		8 TO BE REFUNDED BY:						
		Treasury Check						
		<input checked="" type="checkbox"/> Credit Deposit A/C #: <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">1</td> <td style="width: 20px; text-align: center;">7</td> <td style="width: 20px; text-align: center;">--</td> <td style="width: 20px; text-align: center;">0</td> <td style="width: 20px; text-align: center;">0</td> <td style="width: 20px; text-align: center;">2</td> <td style="width: 20px; text-align: center;">6</td> </tr> </table>		1	7	--	0	0
1	7	--	0	0	2	6		
<input checked="" type="checkbox"/> Overpayment <input type="checkbox"/> Duplicate Payment <input checked="" type="checkbox"/> No Fee Due (Explanation): <u>No fee due as the petition was a renewed petition.</u>								
11 REFUND REQUESTED BY:								
TYPED/PRINTED NAME: <u>Robert DeWitt</u>		TITLE: <u>Att. Advisor</u>						
SIGNATURE: 		PHONE: <u>571-272-8427</u>						
OFFICE: <u>TECH</u>								
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****								
APPROVED: 		DATE: <u>5/16/11</u>						

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:



UNITED STATES 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 ADMINISTRATOR
NEAL, GERGER & EISENBERG**
Suite 1700
2 North LaSalle Street
Chicago, IL 60602

MAILED
JAN 10 2011
OFFICE OF PETITIONS

In re Application of :
Rogers Brackmann, et al. :
Application No. 11/959,444 : DECISION ON PETITION
Filed: December 18, 2007 : TO WITHDRAW
Attorney Docket No. 20581.03US2 : 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 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. 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 James P. Muraff on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Rogers Brackmann at the address indicated below.

There is an outstanding Office action mailed November 24, 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: **Rogers Brackmann**
c/o Private Pallet Security Systems, LLC
4320 Winefield Road
Suite 200
Warrenville, IL 60555



UNITED STATES PATENT AND TRADEMARK 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
11/959,444	12/18/2007	Rogers Brackmann	20581.03US2

CONFIRMATION NO. 2741

POWER OF ATTORNEY NOTICE



25541
PATENT ADMINISTRATOR
NEAL, GERBER, & EISENBERG
SUITE 1700
2 NORTH LASALLE STREET
CHICAGO, IL 60602

Date Mailed: 01/10/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/04/2010.

- 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.

/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

NVIDIA C/O MURABITO, HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE CA 95113

In re Application of :
Muralidharan Soundararajan Chilukoor: et al : **DECISION ON PETITION**
Application No. 11/959,450 :
Filed: 12/18/2007 :
Attorney Docket No. **P003330** :

This is a decision on the Petition to Withdraw Holding of Abandonment, received in the United States Patent and Trademark Office (USPTO) August 23, 2010.

The petition is **GRANTED**.

The application was held abandoned for failure to timely submit the Issue fee and Publication fee as required by the Notice of Allowance, mailed October 20, 2009 which set forth a three (3) month statutory period for reply. The Notice of Abandonment was mailed on February 3, 2010.

Petitioner states that the Notice of Allowance and Fees due mailed on October 20, 2009 was not received. Petitioner submitted a copy of the docketing record for this application as documentary proof of nonreceipt. Petitioner also included a statement that the Notice was not received at the correspondence address of record.

In view of the foregoing, the holding of abandonment for failure to timely submit the issue fee is hereby withdrawn and the application is restored to pending status.

The application will be forwarded to the Technology Center for the remailing of the Notice of Allowance.

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


Kimberly Terrell, Manager
Office of Data Management
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 : August 31,2011

In re Application of :

Makiko YAMAMOTO

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11959551

Filed : 19-Dec-2007

Attorney Docket No : 09812.1150

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed August 31,2011 , 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 2112 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	11959551
Filing Date	19-Dec-2007
First Named Inventor	Makiko YAMAMOTO
Art Unit	2112
Examiner Name	SHELLY CHASE
Attorney Docket Number	09812.1150
Title	DECODING METHOD AND DECODING APPARATUS AS WELL AS PROGRAM

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

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

A grantable petition requires the following items:

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

Petition Fee

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

Reason for withdrawal from issue

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

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that:
- The RCE request, submission, and fee have already been filed in the above-identified application on 2011.09.01
 - 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	/Joshua L. Goldberg/
Name	Joshua L. Goldberg
Registration Number	59369



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

AUG 17 2010

OFFICE OF PETITIONS

CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of :
Ankit Kumar GARG et al. :
Application No. 11/959,605 : **DECISION ON PETITION**
Filed: December 19, 2007 :
Attorney Docket No. 202212-1 :

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 Restriction Requirement, mailed December 16, 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 January 17, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (2) the petition fee of \$1,620.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Restriction Requirement of December 16, 2009 is accepted as having been 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 \$2,350.00 extension of time fee submitted with the petition on June 29, 2010

was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 3612 for appropriate action by the Examiner in the normal course of business on the reply received.



Michelle R. Eason
Paralegal Specialist
Office of Petitions



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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

MAILED

DEC 10 2010

OFFICE OF PETITIONS

In re Application of :
Kerr et al. : DECISION ON PETITION
Application No. 11/959,675 : TO WITHDRAW
Filed: December 19, 2007 : FROM RECORD
Attorney Docket No. 060960-5057-US :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 22, 2010.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney to the attorneys/agents associated with Customer Number 21186 was revoked by the assignee of the patent application on September 29, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: MORGAN, LEWIS, & BOCKIUS LLP - SYNTHES
1701 MARKET STREET
PHILADELPHIA PA 19103



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DANE C. BUTZER
10 VIA RICASOL #a222
IRVINE, CA 92612

MAILED
MAR 05 2012
OFFICE OF PETITIONS

In re Application of
James.Jeffrey Allen, et al.
Application No. 11/959,693
Filed: December 19, 2007
Attorney Docket No. rly-002

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed February 2, 2012.

The request is **NOT APPROVED**.

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

A review of the file record indicates that Dane C. Butzer does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by 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: CONNECTED SPORTS VENTURES, INC
C/O JASON GLICKMAN
351 COVERED BRIDGE ROAD
NEW HOPE, PA 18938



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SCHOX PLC
500 3RD STREET, SUITE 515
SAN FRANCISCO, CA 94107

MAILED
JAN 27 2011
OFFICE OF PETITIONS

In re Application of :
Johnston et al. :
Application No. 11/959,854 : DECISION ON PETITION
Filed: December 19, 2007 :
Attorney Docket No. D2<-003COA :

This is a decision on the petition, filed November 8, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is GRANTED.

This application was held abandoned for failure to reply to the Final Office action mailed March 22, 2010, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on October 8, 2010.

Petitioner asserts that the Office action dated March 22, 2010, was not received, since the Office mailed the communication to wrong correspondence address. Petitioner alleges that a proper power of attorney, including a change of correspondence address by means of a new declaration was submitted on January 22, 2010. Accordingly, petitioner request that the abandonment be withdrawn.

A review of the written record does indicate an irregularity in the mailing of the Office action of March 22, 2010. In this regard, the Office received the new declaration which included a power of attorney and change of correspondence address on January 22, 2010, which was prior to the mailing of the final Office action of March 22, 2010. Accordingly, as the Office action was mailed to an incorrect address, the Notice of Abandonment mailed October 8, 2010, is hereby vacated.

In view of the above, the holding of abandonment is hereby withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 2841 to remail the final Office action of March 22, 2010 and reset the period for reply.

The Power of Attorney filed January 22, 2010, is hereby accepted and made of record. The Notice of Acceptance of Power of Attorney is enclosed.

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

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

Enclosed: Notice of Acceptance of Power of Attorney



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/959,854	12/19/2007	John Johnston	D2M-003COA

CONFIRMATION NO. 3476

POA ACCEPTANCE LETTER



Date Mailed: 01/25/2011

49142
SCHOX PLC
500 3rd Street, Suite 515
San Francisco, CA 94107

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/22/2010.

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.

/atkelley/

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



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**K&L Gates LLP
STATE STREET FINANCIAL CENTER
One Lincoln Street
BOSTON MA 02111-2950**

MAILED

NOV 04 2010

In re Application of
Yuriy A. Maletin et al.
Application No. 11/959,912
Filed: December 19, 2007
Attorney Docket No. A0093/7000

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 1, 2010.

The request is **APPROVED**.

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

The request was signed by Jeffrey L. Snow on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Apowercap Technologies Inc.
541 Jefferson Avenue, Suite 100
Redwood City, CA 94063



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/959,912	12/19/2007	Yuriy A. Maletin	A0093/7000

CONFIRMATION NO. 3574

POWER OF ATTORNEY NOTICE



22832
K&L Gates LLP
STATE STREET FINANCIAL CENTER
One Lincoln Street
BOSTON, MA 02111-2950

Date Mailed: 11/02/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/01/2010.

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

/kainabinet/

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



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**VERIZON
PATENT MANAGEMENT GROUP
1320 North Court House Road
9th Floor
ARLINGTON VA 22201-2909**

**MAILED
MAY 24 2011
OFFICE OF PETITIONS**

In re Application of :
Heath STALLINGS et al. :
Application No. 11/959,939 :
Filed: December 19, 2007 :
Attorney Docket No. 20070007 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 19, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 27, 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 above-identified application became abandoned on December 28, 2010.

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 of \$1620; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of September 27, 2010 is accepted as having been unintentionally delayed.

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

The application file is being referred to Technology Center AU 2172 for appropriate action on the concurrently filed amendment.


David A. Bucci
Petitions Examiner
Office of Petitions



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HUSCH BLACKWELL LLP
HUSCH BLACKWELL SANDERS LLP WELSH & KATZ
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

MAILED

OCT 26 2011

OFFICE OF PETITIONS

In re Application of :
Kiyoshi Kato et al :
Application No. 11/960,014 : DECISION GRANTING PETITION
Filed: December 19, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 0553-0651 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, October 25, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This matter is being referred to Technology Center AU 2858 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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



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MAIER & MAIER, PLLC
1000 DUKE STREET
ALEXANDRIA VA 22314

MAILED
FEB 21 2012

In re Application of

OFFICE OF PETITIONS

Green

Application No. 11/960,020

: DECISION ON PETITION

Filed: December 19, 2007

Attorney Docket No. **GREEN - 001 - US**

This is a decision on the petition under 37 CFR 1.137(b), filed February 2, 2012, 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 May 23, 2011, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on August 24, 2011. A Notice of Abandonment was mailed on January 5, 2012.

The amendment filed February 2, 2012, is noted.

The application is being forwarded to Technology Center 3600, GAU 3693 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

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:	11/960,134	Filing date:	December 19, 2007
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First Named Inventor:	Herman H. Viegas
-----------------------	------------------

Title of the Invention:	HEATING SYSTEM FOR TRANSPORT REFRIGERATION UNIT
-------------------------	-------------------------------------------------

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](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/US2007/088132

The international filing date of the corresponding PCT application(s) is/are: December 19, 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)**

- 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.**

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/960,134	12/19/2007	Herman H. Viegas	090402-9599-01	3956
23409	7590	03/09/2011	EXAMINER	
MICHAEL BEST & FRIEDRICH LLP			TRIEU, TIMOTHY K	
100 E WISCONSIN AVENUE			ART UNIT	PAPER NUMBER
Suite 3300			3784	
MILWAUKEE, WI 53202			MAIL DATE	DELIVERY MODE
			03/09/2011	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.

The request to participate in the PPH pilot program and petition met all conditions except Item #4 above. The examiner issued an Office action on the merits on Feb. 16, 2011. Therefore, the petition cannot be granted because an action on the merits was issued.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Program Examiner, at (571) 272-4856. All other inquiries concerning the examination or status of the application should be directed to Examiner Timothy Trieu at 571-270-3495.

The petition is denied.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856



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

MAILED

JUL 14 2011

In re Patent No. 7,935,071	:	OFFICE OF PETITIONS
Issue Date: May 3, 2011	:	
Application No. 11/960,145	:	NOTICE
Filed: December 19, 2007	:	
Attorney Docket No. JHN-3659-113	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 on May 4, 2011.

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

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

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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SEP 24 2010

OFFICE OF PETITIONS

LATHROP & GAGE LLP
2345 GRAND Boulevard
SUITE 2400
KANSAS CITY MO 64108

In re Application of	:	
Rick Vander Veen	:	DECISION ON PETITIONS
Application No. 11/960,289	:	PURSUANT TO
Filed: December 19, 2007	:	37 C.F.R. §§ 1.182
Attorney Docket No. 475920	:	AND 1.314
Title: AUTOMATED FOOT BATH	:	
APPARATUS AND METHOD	:	

This is in response to the petitions filed on March 30, 2010, pursuant to 37 C.F.R. § 1.182, requesting the merger of the reissue proceedings of U.S. Application numbers 11/960,289 and 11/439,542 (the former is a divisional of the latter), and pursuant to 37 CFR § 1.314 requesting issuance of the patent be deferred.

The petition under 37 CFR § 1.182 is **DISMISSED**.

The petition under 37 CFR § 1.314 is **GRANTED**.

With respect to the petition under 37 CFR § 1.182

With this petition, Petitioner has set forth:

Applicants filed reissue Application No. 11/960,289 as a divisional application from co-pending Application No. 11/439,542. To date, there has been no action on the merits in the parent application. The claims in the divisional have been examined and have been allowed.

As such, Petitioner has requested that these two applications be

merged, pursuant to 37 C.F.R. § 1.177(c).¹

In this instance, the extreme remedy of merger is not required, as Petitioner is in a position to correct this situation via the placing of the claims of the divisional application in the parent application (in which there has been no action). If the existing patent claims are found to allowable in Application No. 11/439,542 as is, all claims of both applications would be combined in one case by amendment by applicant, after the existing patent claims are found to allowable. This will be effective, since the claims of the divisional application have received an examination and have been determined to be allowable. In addition, the application in which all claims have not been placed would then be abandoned, and applicant obtains the same result as would be obtained via merger of the two applications.

With respect to the petition under 37 CFR § 1.314

Issuance will be deferred for a period of six months from the date of this decision to await examination of Application No. 11/439,532. At the end of this period, the application will be referred to Publishing Division to be processed into a patent.

If an additional deferral period is required, another petition and fee must be promptly submitted before the six month period expires. The petition must include a showing of extraordinary circumstances. See MPEP 1306.01.

Petitioner has submitted a petition fee of \$130 for the petition under 37 CFR § 1.314. A petition under 37 CFR § 1.182 requires the petition fee of \$400 set forth in 37 CFR § 1.17(f). Accordingly, \$400 is being charged to petitioner's Deposit Account No. 12-0600.

¹ "If any one of the several reissue applications by itself fails to correct an error in the original patent as required by 35 U.S.C. 251 but is otherwise in condition for allowance, the Office may suspend action in the allowable application until all issues are resolved as to at least one of the remaining reissue applications. The Office may also merge two or more of the multiple reissue applications into a single reissue application. No reissue application containing only unamended patent claims and not correcting an error in the original patent will be passed to issue by itself." (Emphasis added.)

In accordance with the above decision, **the Technology Center is directed to remove the suspension of Application No. 11/439,532 and act upon the merits of that application.**

Both the Technology Center and the Office of Data Management will be notified of this decision.

Telephone inquiries regarding *this decision* should be directed to David Bucci at (571) 272-7099.² All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Kenneth M. Schor/

Kenneth M. Schor
Senior Legal Advisor
Office of Patent Legal Administration

9-22-10
Kenpet8/
Kenpetmerger

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



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12 FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of
Kevin M. KELLY
Application No. 11/960,291
Filed: December 19, 2007
Attorney Docket No. IDHC-0002

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 22, 2010.

The request is **NOT APPROVED**.

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

The request cannot be approved because the attorneys of record were not appointed by Customer Number 23377, as indicated.

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

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

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

Cc: KEVIN M. KELLY
IDENTITY HEALTHCARE, LLC,
1640 POWERS FERRY ROAD #7,
SUITE 300
MARIETTA GA 30067



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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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**EI DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805**

**MAILED
NOV 10 2010
OFFICE OF PETITIONS**

In re Application of :
Che-Hsiung HSU :
Application No. 11/960,412 : **DECISION ON PETITION**
Filed: December 19, 2007 :
Attorney Docket No. UC0654 USNA :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 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 February 25, 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 26, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election and amendment; (2) the petition fee of \$1620; and (3) the required statement of unintentional delay.

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

All other inquires should be directed to the Technology Center at (571) 272-1700.

This application is being referred to Technology Center AU 1796 for appropriate action by the Examiner in the normal course of business.

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



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROBERT C. CURFISS
LAW OFFICE OF ROBERT CURFISS
19826 SUNDANCE DRIVE
HUMBLE TX 77346-1402

MAILED
DEC 13 2011
OFFICE OF PETITIONS

In re Application of
Ryan Scott Rodkey et al.
Application No. 11/960,462
Filed: December 19, 2007
Attorney Docket No: TR 462

ON PETITION

This is a decision on the Petition to Revive, filed November 29, 2011 under 37 CFR 1.137(b), to revive the above identified application.

The petition is **DISMISSED**.

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

This application became abandoned August 19, 2011 for failure to file a timely response to the non-Final Office Action mailed May 19, 2011. The instant petition and this decision precede the mailing of the Notice of Abandonment.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.
- (2) The petition fee as set forth in § 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. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) Any terminal disclaimer (and fee as set forth in 37 CFR § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The petition lacks compliance with item (1) above.

Petitioner is advised that the application is not abandoned for failure to file a terminal disclaimer but rather because petitioner has not submitted a proper response to the non-Final Office Action mailed May 19, 2011.

The application will therefore remain in an abandoned status until such time as a renewed petition with a proper response has been submitted..

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

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

By FAX: (571) 273-8300

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

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**CHAN LAW GROUP LLP
1055 W. 7TH ST,
SUITE 1880
LOS ANGELES CA 90017**

MAILED
SEP 13 2010
OFFICE OF PETITIONS

In re Application of
Junjun Ruan
Application No. 11/960,512
Filed: December 19, 2007
Attorney Docket No. 1213.703

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:
:

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed August 24, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

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

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

A handwritten signature in black ink that reads "Terri Johnson". The signature is written in a cursive, flowing style.

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

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of	:	
Gawain Yang	:	
Application No. 11/960,525	:	DECISION ON PETITION
Filed: December 19, 2007	:	TO WITHDRAW
Attorney Docket No. P416218PAT	:	FROM RECORD
	:	

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

The request is **NOT APPROVED**.

A review of the file record indicates that Matthew Jellett or any attorneys/agents associated with Customer Number 62772 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.

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/
JoAnne Burke
Petitions Examiner
Office of Petitions



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LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

MAIL

NOV 10 2010

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

In re Application of	:	
HAN, SEUNG HEE et al	:	DECISION ON REQUEST TO
Application No. 11/960,556	:	PARTICIPATE IN PATENT
Filed: December 19, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 2101-3421	:	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 August 12, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; 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 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 9/29/10

Paper No.:

TO SPE OF : ART UNIT 2829

SUBJECT : Request for Certificate of Correction for Appl. No.: 11960597 Patent No.: 7782071 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: _____

Ha Nguyen AN 2858

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:	11/960,619	Filing date:	December 19, 2007
-----------------	------------	--------------	-------------------

First Named Inventor:	Ben Watson
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Title of the Invention:	Tag Aggregator
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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](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/US2008/083961

The international date of the corresponding PCT application(s) is/are: November 19, 2008

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.**

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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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.
11/960,619	12/19/2007	Ben Watson	Y02670US00 (12729-335)	4842
757	7590	11/03/2010	EXAMINER	
BRINKS HOFER GILSON & LIONE			MILLS, FRANK D	
P.O. BOX 10395			ART UNIT	PAPER NUMBER
CHICAGO, IL 60610			2176	
			MAIL DATE	DELIVERY MODE
			11/03/2010	PAPER

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

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



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

In re Application of: Ben Watson
Application No. 11/960,619
Attorney Docket #: Y02670US00(12729-335)
Filed: December 19, 2007
For: **Tag Aggregator**

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

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (**PCT-PPH**) program and the petition under 37 CFR 1.102(a), filed October 4, 2010 to make the above-identified application special.

The petition is **DENIED**.

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

- (1) The U.S. application is
 - (a) a national stage entry of the corresponding PCT applicationOr
 - (b) a national application which forms the basis for the priority claim in the corresponding PCT applicationOr
 - (c) a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT applicationOr
 - (d) a national application claiming foreign domestic priority to the corresponding PCT application.
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.Or
 - (e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

- (3) Applicant must:
- a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and
 - b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

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

- (5) Applicant must submit a copy of:
- a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

- (6) Applicant must submit a copy of:
- a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
 - b. an English translation of the claims and
 - c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

- (7) Applicant must submit:

Application SN 11/960,619
Decision on Petition

- a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER,(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);

The request to participate in the PPH program and petition are found to not comply with the above requirements, since a first action on the merits was mailed on October 15, 2010.

Accordingly, the Petition is **DENIED**.

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>.

/Mano Padmanabhan/

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



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Alexandria, VA 22313-1450
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**KRAMER LEVIN NAFTALIS & FRANKEL LLP
INTELLECTUAL PROPERTY DEPARTMENT
1177 AVENUE OF THE AMERICAS
NEW YORK NY 10036**

**MAILED
DEC 19 2011
OFFICE OF PETITIONS**

In re Application of	:	
Sukomal Roychowdhury	:	
Application No. 11/960,655	:	DECISION ON PETITION
Filed: December 19, 2007	:	TO WITHDRAW
Attorney Docket No. 057380-02050US	:	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, 2011.

The request is **NOT APPROVED**.

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

Accordingly, the request to withdraw from record cannot be approved because a forwarding address was not provided. The request to change the correspondence address should be that of the: (1) the first named signing inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment must be submitted with a renewed request.

According to the records of the assignment branch an assignment was recorded on January 25, 2010. Upon the filing of a renewed request, a copy of the assignment or a statement under 37 CFR 3.73(b) must be electronically filed in this application to update the application file.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**KRAMER LEVIN NAFTALIS & FRANKEL LLP
INTELLECTUAL PROPERTY DEPARTMENT
1177 AVENUE OF THE AMERICAS
NEW YORK NY 10036**

**MAILED
JAN 12 2012
OFFICE OF PETITIONS**

In re Application of :
Sukomal Roychowdhury :
Application No. 11/960,655 :
Filed: December 19, 2007 :
Attorney Docket No. 057380-02050US :
: **DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 4, 2012.

The request is **APPROVED**.

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

The request was signed by William J. Spatz on behalf of all attorneys/agents associated with customer number 31013. All attorneys/agents associated with customer number 31013 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The revocation of power of attorney filed cannot be processed until a Statement under 37 CFR 3.73(b) is filed. The "revocation" is not necessary do to the grant of this withdrawal of attorney.

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

Application No. 11/960,655

Page 2

cc: World Hydrogen Energy, LLC
58-08 48th Street
Maspeth, NY 11378



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/960,655	12/19/2007	Sukomal Roychowdhury	057380-02050US

CONFIRMATION NO. 4909

POWER OF ATTORNEY NOTICE



0000000051945745

31013
KRAMER LEVIN NAFTALIS & FRANKEL LLP
INTELLECTUAL PROPERTY DEPARTMENT
1177 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

Date Mailed: 01/11/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/04/2012.

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

/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

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

MAILED

JUN 29 2011

OFFICE OF PETITIONS

In re Application of :
Katrina CORNISH et al. : **ON PETITION**
Application No. 11/960,678 :
Filed: December 19, 2007 :
Atty. Docket No.: 142-10900.US :

This is a decision on the petition under 37 CFR 1.137(b), filed May 31, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the final Office action mailed June 17, 2010, which set a shortened statutory period for reply of three (3) months. No reply was sent, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application became abandoned September 18, 2010. A Notice of Abandonment was mailed February 25, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Request for Continued Examination (RCE) and RCE fee, and the submission required under 37 CFR 1.114, (2) a petition fee of \$810 (small entity), and (3) a statement of unintentional delay. The reply to the final Office action mailed June 17, 2010 is accepted as having been unintentionally delayed.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of 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 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 1766 for further action on the filed Response.



Anthony Knight
Director
Office of Petitions



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P.O. Box 1450
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TEXAS INSTRUMENTS INCORPORATED
P.O. BOX 655474, M/S 3999
DALLAS TX 75265

MAILED

MAR 29 2011

OFFICE OF PETITIONS

In re Application of :
Karthik Rajagopal et al :
Application No. 11/960,758 : DECISION ON PETITION
Filed: December 20, 2007 :
Attorney Docket No. TI-64836 :

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 petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Not Fully Responsive Reply for Applications Under Accelerated Examination mailed October 13, 2010, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 2816 for consideration by the examiner in the normal course of business on the reply received January 5, 2011.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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P.O. Box 1450
Alexandria, VA 22313-1450
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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

MAILED
FEB 17 2011
OFFICE OF PETITIONS

In re Application of	:	
Shiraishi et al.	:	
Application No. 11/960789	:	DECISION
Filing or 371(c) Date: 12/20/2007	:	ON PETITION
Patent No.: 7796213	:	
Issue Date: 09/14/2010	:	
Attorney Docket Number: 501.48308X00	:	

This is a decision on the "Request for Suspension of the Rules and Certificate of Correction Under 37 CFR 1.323," filed November 19, 2010, to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction. The petition is properly treated as a petition under 37 CFR 3.81(b)¹.

The Petition is **granted**.

The petition was accompanied by a certificate of correction as required by 3.81(b), and the fee submitted with the present petition. Further, Office assignment records reflect that HITACHI DISPLAYS, LTD, CHIBA-KEN, JAPAN, HITACHI DISPLAY DEVICES, LTD., CHIBA-KEN, JAPAN, are the assignees of record. As the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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



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TURNER PADGET GRAHAM & LANEY, P.A.
P.O. BOX 1509
GREENVILLE SC 29602

MAILED

JUN 23 2011

OFFICE OF PETITIONS

In re Application of :
MOORE, et al :
Application No. 11/960,864 :
Filed: December 20, 2007 :
Attorney Docket No. 8606.107 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 26, 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 August 18, 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 November 19, 2010.

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

With respect to item (3): The statement filed with the petition dated May 26, 2011, cannot be accepted because it lacks the signature a registered attorney, agent or someone authorized to sign papers before the USPTO. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

(b) Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
- (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Any 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



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TURNER PADGET GRAHAM & LANEY, P.A.
P.O. BOX 1509
GREENVILLE, SC 29602

MAILED
SEP 09 2011
OFFICE OF PETITIONS

In re Application of :
MOORE, et al :
Application No. 11/960,864 : ON PETITION
Filed: December 20, 2007 :
Attorney Docket No. 8606.107 :

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

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of August 18, 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 November 19, 2010. A Notice of Abandonment was mailed February 28, 2011.

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

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

(October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

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

This application is being referred to Technology Center AU 3643 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

cc: MICHAEL W. DUBNER
GARDERE WYNNE SEWELL LLP
1601 ELM STREET, SUITE 3000
DALLAS, TX 75201-4761



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United States Patent and Trademark Office
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/960,901 12/20/2007 Takehito TAMAOKA NDC.0065 5280

7590 01/31/2011
VOLENTINE & WHITT PLLC
ONE FREEDOM SQUARE
11951 FREEDOM DRIVE SUITE 1260
RESTON, VA 20190

EXAMINER

JOYCE, WILLIAM C

ART UNIT PAPER NUMBER

3656

NOTIFICATION DATE DELIVERY MODE

01/31/2011

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.

Handwritten signature of Naomi Barnes

Patent Publication Branch
Office of Data Management

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12/20/2007 11:23:00 AM
US PUBLICATION
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PAUL W. MARTIN
NCR CORPORATION, LAW DEPT.
3097 SATELLITE BLVD., 2nd FLOOR
DULUTH GA 30096

In re Application of

Roquemore, et al.

Application No. 11/960,938

Filed: December 20, 2007

Attorney Docket No. **13967**

MAILED
FEB 14 2012
OFFICE OF PETITIONS

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 26, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 15, 2011, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on May 16, 2011. A Notice of Abandonment was mailed September 21, 2011.

The amendment filed January 26, 2012, is noted.

The application is being forwarded to Technology Center 2800, GAU 2876 for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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Benjamin Kuris
1 Washburn Terrace
Cambridge MA 02140

MAILED

AUG 23 2010

OFFICE OF PETITIONS

In re Application of :
Kuris et al. :
Application No. 11/960,955 :
Filed: December 20, 2007 :
Attorney Docket No. 21058/1206805-US1 :

**DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)**

This is in response to the renewed petition under 37 CFR 1.47(a), filed September 11, 2009.

The petition is dismissed.

Rule 47 applicant is 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 below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** 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 inventor 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. Applicant lacks item(s) (1) set forth above.

Deposit account no. 03-3975 will be charged \$1730, the four month extension of time fee. The petition decision of March 16, 2009 provided petitioner with an extendable reply period of May 16, 2009. To make this reply timely a four month extension of time is required.

As to item (1), rule 47 applicant must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration).

On renewed petition, petitioner no longer contends that inventor Denning cannot be located but instead states that subsequent to the March 16, 2009 decision; contact was made with inventor Denning. Rule 47 applicant states that an e-mail reminder was sent to inventor Denning. Rule 47 applicant states that applicant Denning replied to the correspondence by asking for compensation. Petitioner also states that Attorney Sulsky left a message for inventor Denning but to date the documents were not returned nor has further communication occurred.

Rule 47 applicant must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration). The renewed petition indicates that copies of documents were presented to inventor Denning, however the record is not clear that the documents consisted of application papers (specification, claims, drawings and oath or declaration). It is further noted that although the petition references an attached e-mail chain, the Office is not in receipt of any evidence in support of the petition. Even if the application papers has been presented via e-mail, unless inventor Denning acknowledged receipt of the application papers and confirmed his ability to read the attachments, the Office could not accept the use of e-mail as a manner to deliver the application papers.

Unless petitioner can show that a copy of the application papers was presented to the non-signing inventor, then petitioner will have to mail a copy of the complete application papers (specification, claims and drawings) to the last known address of the joint inventors, return receipt requested. A cover letter of instructions should accompany the mailing of the application papers setting a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. **The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as certified mail return receipt, cover letter of instructions, telegram, etc.** See MPEP 409.03(d).

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

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.

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

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

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

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

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



Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Martin Sulsky
Pillsbury Winthrop Shaw Pittman LLP
P.O, Box 10500
McLean, VA 22102



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MAILED

DEC 15 2010

OFFICE OF PETITIONS

Benjamin Kuris
1 Washburn Terrace
Cambridge MA 02140

In re Application of	:	
Kuris et al.	:	DECISION NOTING JOINDER OF
Application No. 11/960,955	:	INVENTOR AND PETITION
Filed: December 20, 2007	:	UNDER 37 CFR 1.47(a)
Title: METHOD AND MECHANISM FOR	:	
ASSISTED DIAGNOSIS AND MAINTENANCE	:	
OF HEALTH MONITORING SYSTEM	:	

Papers have been filed on October 18, 2010, in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed August 23, 2010, and include a Declaration that is signed by a previously non-signing inventor, Donald R Denning, Jr., in compliance with 37 CFR 1.63.

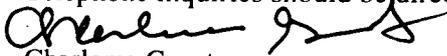
The petition is **DISMISSED AS MOOT**.

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

There is no indication that the person signing the present petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. A courtesy copy of this decision is being mailed to the address given on the petition. However, the Office will mail all future correspondence solely to the address of record.

This application is being referred to Art Unit 2612 for processing in the normal course of business.

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


 Charlema Grant
 Petitions Attorney
 Office of Petitions

Cc: Raj S. Dave
Pillsbury Winthrop Shaw Pittman LLP
P.O. Box 10500
McLean, VA 22102



UNITED STATES PATENT AND TRADEMARK OFFICE

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MICHAEL P. MORRIS
BOEHRINGER INGELHEIM USA
CORPORATION
900 RIDGEBURY ROAD
RIDGEFIELD, CT 06877-0368

MAILED
OCT 25 2011
OFFICE OF PETITIONS

In re Application of :
Klaus Mendla, et al. :
Application No. 11/960,957 : **ON PETITION**
Filed: December 20, 2007 :
Attorney Docket No. 01-1691-1-C1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 13, 2011, to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 9, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination (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). Since the amendment submitted does not prima facie place the application in condition for allowance,

the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of \$1860; and (3) a proper statement of unintentional delay.

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

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 12/987,388.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642.



April M. Wise
Petitions Examiner
Office of Petitions

cc: ROBIN L. TESKIN
HUNTON & WILLIAMS, LLP
1900 K STREET, NW
WASHINGTON, DC 20006



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**RISSMAN HENDRICKS & OLIVERIO, LLP
100 CAMBRIDGE STREET
SUITE 2101
BOSTON MA 02114**

**MAILED
JUL 22 2011
OFFICE OF PETITIONS**

In re Application of :
Hakimi-Mehr et al. : **DECISION ON PETITION**
Application No. 11/960,974 : **TO WITHDRAW**
Filed: December 20, 2007 : **FROM RECORD**
Attorney Docket No. M006-7018US1 :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 18, 2011.

The request is **NOT APPROVED**.

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 John A. Rissman on behalf of all attorneys of record, but does not include a Customer Number. Accordingly, since the practitioners were appointed by a Customer Number, the Request must reflect withdrawal of practitioners associated with the same Customer Number.

Further, the Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on July 18, 2011 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

- (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
- (2) **delivered** to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and

(3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner states that “We have made the files, papers and property of client available to the client for disposition in the event that these items cannot be sent to client.” Therefore, in view of that statement, petitioner has not complied with item (2) of the above certifications. Item (2) is the certification that all papers and property (including funds) to which the client is entitled have been **delivered** to the client or a duly authorized representative.

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

Currently, there is no outstanding Office action that requires a reply.

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



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RISSMAN HENDRICKS & OLIVERIO, LLP
100 CAMBRIDGE STREET
SUITE 2101
BOSTON MA 02114

MAILED
AUG 01 2011
OFFICE OF PETITIONS

In re Application of :
Hakimi-Mehr et al. : **DECISION ON PETITION**
Application No. 11/960,974 : **TO WITHDRAW**
Filed: December 20, 2007 : **FROM RECORD**
Attorney Docket No. M006-7018US1 :

This is a decision on the renewed request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed July 28, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The 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 John A. Rissman on behalf of all attorneys of record who are associated with Customer Number 21127.

All attorneys/agents associated with the Customer Number 21127 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

The correspondence address of record remains unchanged.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



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500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

MAILED
JUL 20 2011
OFFICE OF PETITIONS

In re Patent of Yook-Khai Cheok et al.	:	
Patent No. 7,907,617	:	
Issue Date: March 15, 2011	:	DECISION ON REQUEST
Application No. 11/960,982	:	FOR RECONSIDERATION OF
Filing Date: December 20, 2007	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 18908US01	:	

This is a decision on the petition filed May 13, 2011, which is being treated as a petition under 37 C.F.R. § 1.705(d) requesting the patent term adjustment indicated on the patent be corrected to indicate the term of the patent is extended or adjusted by four hundred twenty-six (426) days.

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

The patent issued March 15, 2011.

The patent sets forth a patent term adjustment of 341 days. The patent term adjustment does not include any increase for delay under 37 C.F.R. § 1.703(b) ("B Delay").

The petition argues the correct patent term adjustment is 426 days based on an assertion the patent term adjustment should include an 85-day increase for B Delay.

Pursuant to 37 C.F.R. § 1.703(b)(4), the period of B Delay does not include the number of days consumed by appellate review. 37 C.F.R. § 1.703(b)(4) states,

The number of days, if any, in the period beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and § 41.31 of this title and ending on the date of the last decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first, if the appeal did not result in a decision by the Board of Patent Appeals and Interferences.

The number of days consumed by appellate review in this case is 87 days, which is the number of days beginning August 23, 2010, the date the notice of appeal was filed, and ending November 17, 2010, the date the Office mailed a Notice of Allowance.

The period of time beginning December 21, 2007, the day after the date three years after the filing date, and ending March 15, 2011, the date the patent issued, is 85 days.

Since the number of days in excess of three years taken to issue the patent (85 days) is less than the number of days consumed by appeal (87 days), the period of B Delay is 0 days.

In view of the prior discussion, the patent term adjustment indicated on the patent is correct.

The prior discussion is based on the period of Office delay including 0 days for delay under 37 C.F.R. § 1.703(e). 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 Fed. Reg. 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 37 C.F.R. § 1.136.

Submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged.

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



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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Arlington, VA 22201-2909

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NOV 07 2011

OFFICE OF PETITIONS

In re Application of	:	
Dante J. Pacella	:	
Application No. 11/961,028	:	ON PETITION
Filed: December 20, 2007	:	
Attorney Docket No. 20070498	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 24, 2011, to revive the above-identified application.

A review of the record discloses that the above application became abandoned for failure to timely pay the issue fee and publication fees on or before October 7, 2011.

The Office acknowledges receipt of \$1,860 for treatment of the present petition and \$930 for the filing of a Request for Continued Examination (RCE) and Information Disclosure Statement (IDS) under 37 CFR 1.114 on October 24, 2011¹. However, 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 unintentional²; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The instant petition lacks item (1) above. In this regard, an application or patent, abandoned or lapsed for failure to pay the issue fee, publication fee or any portion thereof, the required reply must be the payment of the issue fee, publication fee or any outstanding balance thereof. See MPEP 711.03(c)(II)(A)(1). Therefore, since the requisite issue fee of \$1,740 and the publication fee of \$300 have not been submitted, the present petition is **dismissed**.

¹ The \$180 filing fee for the IDS has not been submitted.

² 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).

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:

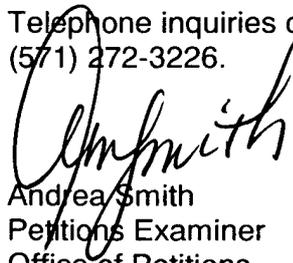
By mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

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.

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) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions



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NOV 28 2011
OFFICE OF PETITIONS

In re Application of
Dante J. Pacella
Application No. 11/961,028
Filed: December 20, 2007
Attorney Docket No. 20070498

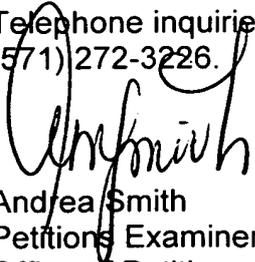
ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 9, 2011, to revive the above-identified application.

In response to the decision mailed November 4, 2011, petitioner submits the present renewed petition along with \$1,740 for payment of the issue fee and \$300 for payment of the publication fee on November 9, 2011. Since the renewed petition complies with the requirements of 37 CFR 1.137(b), the petition is **granted**.

This application file is being referred to Technology Center Art Unit 2159 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) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions



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MAILED
SEP 10 2010

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

OFFICE OF PETITIONS

In re Application of :
IKEDA et al. : DECISION ON PETITION
Application No. 11/961,055 :
Filed: 12/20/2007 :
Docket No. 21334-1766 (E-AV-00335US) :

This is a decision on the petition under 37 CFR 1.137(b), filed April 22, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to pay the issue and publication fees as required by the Notice of Allowance and Fee(s) Due mailed on December 9, 2010, which set a three (3) month statutory period for reply. Accordingly, the application became abandoned on March 10, 2010. A Notice of Abandonment was mailed on March 26, 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 and publication fee, (2) the petition fee, and (3) a proper statement of unintentional delay.

This matter is being forwarded 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. P. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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BERWYN PA.19312

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SEP 09 2010

OFFICE OF PETITIONS

In re Application of :
IKEDA et al. : DECISION ON PETITION
Application No. 11/961,055 :
Filed: 12/20/2007 :
Docket No. 21334-1766 (E-AV-00335US) :

This is a decision on the petition under 37 CFR 1.137(b), filed April 22, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to pay the issue and publication fees as required by the Notice of Allowance and Fee(s) Due mailed on December 9, 2010, which set a three (3) month statutory period for reply. Accordingly, the application became abandoned on March 10, 2010. A Notice of Abandonment was mailed on March 26, 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 and publication fee, (2) the petition fee, and (3) a proper statement of unintentional delay.

This matter is being forwarded 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



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Brake Hughes Bellermann, LLP
c/o CPA Global
P.O. Box 52050
Minneapolis, MN 55402

MAILED
NOV 22 2011
OFFICE OF PETITIONS

In re Application of :
Willet F. Whitmore, III :
Application No. 11/961,125 : DECISION GRANTING PETITION
Filed: December 20, 2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 0073-017003 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 12, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

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

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

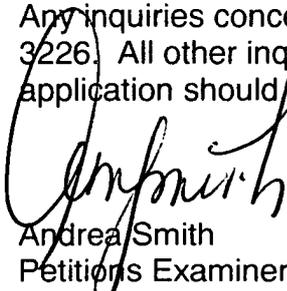
All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

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

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

This application is being forwarded to Technology Center Art Unit 3774 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

Any inquiries concerning this decision 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

ATTACHMENT: Corrected Filing Receipt



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/961,125, 12/20/2007, 3774, 2030, 0073-017003, 20, 2

CONFIRMATION NO. 5705

CORRECTED FILING RECEIPT



93427
Brake Hughes Bellermann LLP
c/o CPA Global
P.O. Box 52050
Minneapolis, MN 55402

Date Mailed: 11/22/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Willet F. Whitmore III, Sarasota, FL;

Power of Attorney: The patent practitioners associated with Customer Number 93427

Domestic Priority data as claimed by applicant

This application is a CON of 10/883,786 07/06/2004 PAT 7,316,663
which is a DIV of 09/850,459 05/07/2001 PAT 6,764,519
which claims benefit of 60/207,607 05/26/2000

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: 01/15/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/961,125

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

URETERAL STENT

Preliminary Class

623

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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1914 Akron-Peninsula Road
Akron, OH 44313

In re Application of SUTTON, et al. : DECISION ON PETITION
Appl. No. 11/961,137 : TO WITHDRAW FINALITY
Filed: December 20, 2007 : OF OFFICE ACTION
For: UPPER WINDSHIELD QUIET CLIP : UNDER 37 CFR 1.181

This is a decision on applicant's petition under 37 CFR 1.181 filed on April 29, 2010 to withdraw the finality of the Office action mailed on January 11, 2010.

The petition is **DISMISSED**.

Applicant argues that the finality of the Office action mailed on January 11, 2010 was premature because the new ground of rejection was not necessitated by applicant's amendment of the claims.

A review of the record reveals that a non-final Office action was mailed on August 6, 2009 rejecting all of the claims. Applicant submitted an amendment to the claims and arguments on October 21, 2009. A final Office action including the same grounds of rejection, but with a clarification of the previous rejection was mailed on January 11, 2010. Applicant filed a petition under 37 CFR 1.181 on April 29, 2010 to withdraw the finality of the January 11, 2010 Office action. Applicant also filed an amendment after final and Request for Continued Examination (RCE) on April 29, 2010.

The record shows that the Request for Continued Examination (RCE) filed on April 29, 2010, and the associated fee(s) were timely submitted after the final rejection. It was processed to withdraw the finality of the Office action of January 11, 2010 and the after final amendment filed on April 29, 2010 was entered in accordance to Rule 37 CFR 1.114 and MPEP 706.07 (h) which states that "the Office will withdraw the finality of any Office action and the submission will be entered and considered."

Therefore, the petition filed under 37 CFR 1.181 to withdraw the finality of the office action of January 11, 2010 is moot based on the submission of the RCE. The RCE fee will not be refunded as it was a required part of the RCE submission.

Any questions regarding this decision should be directed to Supervisory Patent Examiner D. Glenn Dayoan at 571-272-6659.



Dave Talbott, Director
Technology Center 3600
571-272-5150

dgd/lm:8/10/10

LM



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P.O. Box 1450
Alexandria, VA 22313-1450
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OBLON SPIVAK MCCLELLAND
MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

MAILED
DEC 13 2010
OFFICE OF PETITIONS

ON PETITION

In re Application of :
Steven T. Fink et al :
Application No. 11/961,355 :
Filed: December 20, 2007 :
Attorney Docket No. 315331US26YACONT :

This is a decision on the petition, filed December 13, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This matter is being referred to Technology Center AU 1716 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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



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VEDDER PRICE P.C.
222 N. LASALLE STREET
CHICAGO IL 60601

MAILED
MAY 25 2011
OFFICE OF PETITIONS

In re Application of
Matloub, Haitham et al.
Application No. 11/961,476
Filed: December 20, 2007
Attorney Docket No. 39217.00.0007

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 18, 2011.

The request is **NOT APPROVED**.

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

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

The request cannot be approved because a change of address was provided.

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

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions



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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No.

GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA NY 12309

MAILED

MAY 17 2011

OFFICE OF PETITIONS

In re Application of :
Tilak et al. : DECISION ON
Application No. 11/961,532 : PETITION
Filed: December 20, 2007 :
Attorney Docket No. 227305-1 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b), filed April 8, 2011.

The petition is **GRANTED**.

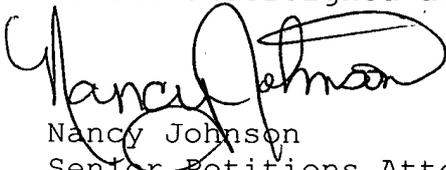
The above-identified application was abandoned for failure to file a timely and proper reply to the final Office action sent May 20, 2010. This Office action set a shortened statutory period for reply of three (3) months from the mail date of the action. An amendment was filed on July 20, 2010; however, it was determined not to place the application in condition for allowance. See Advisory Action sent August 4, 2010. No proper reply having been received and no extension of time obtained the application became abandoned effective August 21, 2010. A courtesy Notice of Abandonment was sent on February 2, 2011.

On petition, petitioner submitted a Request for Continued Examination (RCE) and submission under §1.114 (in the form of an amendment) (and RCE fee); paid the petition fee; and made the required statement of unintentional delay.

Technology Center AU 2815 has been advised of this decision. The application is, thereby, forwarded to the examiner for

consideration of the RCE and submission submitted on petition filed April 8, 2011.

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

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is stylized with a large, looping initial "N" and a cursive "J".

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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MERCK
P O BOX 2000
RAHWAY NJ 07065-0907

MAILED
SEP 26 2011
OFFICE OF PETITIONS

In re Application of :
Gerald R. Dever, et al. :
Application No. 11/961,588 : **DECISION ON PETITION**
Filed: December 20, 2007 :
Attorney Docket No. FC06599US01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 31, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 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 March 16, 2011. The Notice of Abandonment was mailed July 31, 2011.

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

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 1781 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: **Matthew J. Goden**
126 E. Lincoln Avenue, RY-60
Rahway, NJ 07065



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PHILIP H. BURRUS, IV
460 Grant Street SE
Atlanta GA 30312

MAILED

JAN 11 2012

OFFICE OF PETITIONS

In re Application of :
Alden et al. :
Application No. 11/961,630 : ON PETITION
Filed: December 20, 2007 :
Attorney Docket No. CS33494 :
(BPMOT0077AA) :

This is a decision on the petition, filed December 30, 2011, under 37 CFR 1.47(a), which is being treated under 37 CFR 1.183 to waive 37 CFR 1.131 to the extent that it requires that all of the named inventors execute the declaration filed thereunder.¹

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.183." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A review of Office financial records for this application reveals that petitioners have not paid the Rule 183 petition fee of \$400.00. Pursuant to petitioners' authorization, deposit account no. 53-3608 will be charged the \$400.00 fee.

Petitioners assert that, while all of the named inventors contributed to the conception of the claimed invention which is under rejection, only inventors Alviar and Luniak have agreed to execute the attached declaration under 37 CFR 1.131 in support of establishing conception of the claimed invention prior to June 27, 2007.

Petitioners allege that Inventor Tim Gassmere has refused to sign the declaration under 37 CFR 1.131 and request that the Office accept the declaration executed by less than all the joint inventors.

¹ Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. The instant petition is properly treated under 37 CFR 1.183.

37 CFR 1.131(a) states,

When any claim of an application or a patent under reexamination is rejected, the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, or the party qualified under §§ 1.42, 1.43, or 1.47, may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based.

The Office has stated the signature requirements can be waived in certain circumstances.

- (1) The assignee or other party in interest can sign the affidavit or declaration if none of the inventors will sign the declaration. See MPEP 714.
- (2) The affidavit or declaration can be signed by fewer than all the inventors if the other inventors are deceased, refuse to sign, or are unavailable.

Petitioners have failed to prove the non-signing inventor, Tim Gassmere, has refused to sign the declaration.

While this is not a petition under 37 CFR 1.47(a), it is evaluated much the same way a petition under 37 CFR 1.47(a) is. In order to prove refusal, the non-signing inventor must be presented with the declaration at issue.

Petitioners are informed that e-mailing is generally not accepted as a means to communicate with non-signing inventors. This is because the Office cannot know definitely if the message was received; people are not as careful in deleting e-mails as they are in throwing out mail as shown by bulk folder deletions and the fact that some people might not check e-mails frequently; the Office does not know if the recipient has the program to open the specific attachment; and PTO guidelines regarding accepting e-mail reflects the fact that the Office does not have the same confidence in e-mail as it does in USPS service.

The Office typically requires documentary evidence of successful e-mailing in the form of a response e-mail from the non-signing inventor in which the inventor acknowledges receipt of the e-mail and his ability to read the attachments. Sending an e-mail alone is not sufficient.

A copy of the declaration should be mailed to Mr. Gassmere at his last known address, return receipt requested. A cover letter of instructions should accompany the mailing of the declaration setting a deadline for response and including a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as certified mail return receipt, cover letter of instructions, telegram, etc. See MPEP 409.03(d).

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by petitioners that a non-signing inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever a non-signing inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Inquiries regarding this communication may be directed to the undersigned at (571) 272-3230.

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

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

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

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

By internet: EFS-Web
 www.uspto.gov/ebs/efs_help.html
 (for help using EFS-Web call the
 Patent Electronic Business Center
 at (866) 217-9197)

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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460 Grant Street SE
Atlanta GA 30312

MAILED

FEB 29 2012

OFFICE OF PETITIONS

In re Application of
Alden et al.
Application No. 11/961,630
Filed: December 20, 2007
Attorney Docket No. CS33494
(BPMOT0077AA)

ON PETITION

This is a decision on the renewed petition, filed February 13, 2012, under 37 CFR 1.183 to waive 37 CFR 1.131 to the extent that it requires that all of the named inventors execute the declaration filed thereunder.

The petition is **granted**.

Petitioners assert that, while all of the named inventors contributed to the conception of the claimed invention which is under rejection, only inventors Alviar and Luniak have agreed to execute the attached declaration under 37 CFR 1.131 in support of establishing conception of the claimed invention prior to June 27, 2007.

Petitioners allege that joint inventor Tim Gassmere has refused to sign the declaration under 37 CFR 1.131 and request that the Office accept the declarations executed by less than all the joint inventors.

37 CFR 1.131(a) states,

When any claim of an application or a patent under reexamination is rejected, the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, or the party qualified under §§ 1.42, 1.43, or 1.47, may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based.

The Office has stated the signature requirements can be waived in certain circumstances.

- (1) The assignee or other party in interest can sign the affidavit or declaration if none of the inventors will sign the declaration. See MPEP 714.
- (2) The affidavit or declaration can be signed by fewer than all the inventors if the other inventors are deceased, refuse to sign, or are unavailable.

Petitioners have established that the non-signing inventor, Tim Gassmere, has constructively refused to sign a declaration under 37 CR 1.131. Mr. Gassmere signed for the package containing the declaration and a request that he sign the declaration and return it. Mr. Gassmere has had sufficient time to comply with the request. Therefore, the signature requirement of Mr. Gassmere on the declaration under 37 CFR 1.131 is waived.

As stated in MPEP 715.08, "The question of sufficiency of affidavits or declarations under 37 CFR 1.131 should be reviewed and decided by a primary examiner."

The application is being returned to Technology Center A.U. 2179 for the examiner of record to consider whether the declarations submitted under 37 CFR 1.131 establish invention of the subject matter of the rejected claims prior to the effective dates of both U.S. Published Patent Application No. 2009/0007007 to Voros et al. (June 27, 2007) and U.S. Published Patent Application No. 2009/0109243 to Kraft et al. (October 25, 2007).

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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

**MAILED
APR 09 2012**

OFFICE OF PETITIONS

In re Application of
Tetsuya Takamori
Application No. 11/961,693
Filed: December 20, 2007
Attorney Docket No. 3562-0186PUS1

:
: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)
:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 6, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 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) 272-3208.

This application is being referred to Technology Center AU 2624 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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



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

MAILED
AUG 05 2010
OFFICE OF PETITIONS

In re Application of :
Govindarajan, Shrinivas : DECISION ON PETITION
Application No. 11/961,769 : TO WITHDRAW
Filed: December 20, 2007 : FROM RECORD
Attorney Docket No. QM00009 :

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 17, 2010.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney to 68038 was revoked by the Assignee of the patent application on July 13, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: JOHN S. ECONOMOU
202 MAMARONECK AVE., THIRD FLOOR
WHITE PLAINS NY 10601

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/05/11

TO SPE OF : ART UNIT: 3625 Attn: SMITH JEFFREY A (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/961786 Patent No.: 7970658

CofC mailroom date: 08/03/2011

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: **Please check Claim 1 &
Amendment NOA dated 04-11-11**

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.

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

Comments: _____


JEFFREY A. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

SPE 12/7/11
Art Unit



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ROBERT H. FRANTZ
P.O. BOX 23324
OKLAHOMA CITY, OK 73123

MAILED

SEP 27 2011

OFFICE OF PETITIONS

In re Application of :
Yen-Fu Chen, et al. :
Application No.: 11/961,813 :
Filed: December 20, 2007 :
Attorney Docket No.: AUS920030663US2 :

ON PETITION

This is a decision on the petition, filed September 26, 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 September 23, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

The application is being referred to Technology Center AU 2177 for further processing of the request for continued examination and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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



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MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105 94105-2482

MAILED

MAY 13 2011

OFFICE OF PETITIONS

In re Application of :
David Rizzieri, et al. :
Application No. 11/961,840 :
Filed: December 20, 2007 :
Attorney Docket No. 602662000401 :
: :
: :
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: :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 5, 2011.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on May 6, 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: **BANNER & WITCOFF, LTD.**
1100 13TH STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051



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SRAM, LLC
1333 N. KINGSBURY, 4TH FLOOR
CHICAGO IL 60642

MAILED

SEP 20 2011

OFFICE OF PETITIONS

In re Application of :
Danice Dombeck :
Application No. 11/961,915 : **DECISION ON PETITION**
Filed: October 8, 2004 :
Attorney Docket No. 56200.000 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 30, 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, December 23, 2010, which set a shortened statutory period for reply of three (3) months. A one month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on April 24, 2011. A Notice of Abandonment was mailed on August 22, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination, with the required fee of \$810, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

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

This application is being referred to Technology Center AU 3654 for appropriate action by the Examiner in the normal course of business on the reply received August 30, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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**PATENT ADMINISTRATOR
NEAL, GERBER, & EISENBERG
SUITE 1700
2 NORTH LASALLE STREET
CHICAGO IL 60602**

**MAILED
DEC 13 2010
OFFICE OF PETITIONS**

In re Application of	:	
Brackmann, Rogers F. et al.	:	
Application No. 11/962,084	:	DECISION ON PETITION
Filed: December 20, 2007	:	TO WITHDRAW
Attorney Docket No. 20581.02US2	:	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 17, 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 James Muraff on behalf of all attorneys of record who are associated with customer No. 25541. All attorneys/agents associated with the Customer Number 25541 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Rogers Brackmann 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: **ROGERS BRACKMANN
C/O PRIVATE PALLET SECURITY SYSTEMS, LLC
4320 WINFIELD ROAD, SUITE 200
WARRENVILLE IL 60555**



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JACQUES M. DULIN, ESQ. DBA
INNOVATION LAW GROUP, LTD.
237 NORTH SEQUIM AVENUE
SEQUIM WA 98382-3456

MAILED

OCT 25 2011

OFFICE OF PETITIONS

In re Application of :
Jaques M. Dulin, et al. :
Application No. 11/962,084 : DECISION ON PETITION
Filed: December 20, 2007 :
Attorney Docket No. 20581.02US2 :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before November 24, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed August 24, 2010. Accordingly, the date of abandonment of this application is November 25, 2010. The Notice of Abandonment was mailed December 9, 2010.

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

The request to correct inventorship and power of attorney filed herewith has been accepted.

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

Enclosures: Corrected Filing Receipt



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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/962,084, 12/20/2007, 2612, 1200, 20581.02US2, 36, 2

CONFIRMATION NO. 7419

CORRECTED FILING RECEIPT



35531
JACQUES M. DULIN, ESQ. DBA
INNOVATION LAW GROUP, LTD.
237 NORTH SEQUIM AVENUE
SEQUIM, WA 98382-3456

Date Mailed: 10/19/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Jacques M. Dulin, Sequim, WA;
Kerry Berland, Chicago, IL;
Paul Berland, Elgin, IL;
David Reid, Carpentersville, IL;
Rogers F. Brackmann, St. Charles, IL;
Dennis Kossnar, Batavia, IL;

Assignment For Published Patent Application

Private Pallet Security Systems, LLC, Warrenville, IL

Power of Attorney: The patent practitioners associated with Customer Number 35531

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/871,027 12/20/2006
and is a CIP of 11/959,444 12/18/2007 ABN
and is a CIP of 11/375,504 03/13/2006 PAT 7,482,928
and is a CIP of 11/128,879 05/13/2005 PAT 7,714,708

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: 10/18/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/962,084

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

SYSTEM FOR MAINTAINING SECURITY OF EVIDENCE THROUGHOUT CHAIN OF CUSTODY

Preliminary Class

340

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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



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PEIGEN JIANG
19480 SE 28TH PLACE
SAMMAMISH, WA 98075

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of :
Peign Jiang :
Application No. 11/962,104 :
Filed: December 21, 2007 :
Attorney Docket No. st05-01 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 9, 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 27, 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 28, 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 the undersigned at (571) 272-6059.

This application is being referred to Technology Center AU 3721 for processing of the reply and for appropriate action by the Examiner in the normal course of business on the amendment submitted.

Alicia Kelley
Petitions Examiner
Office of Petitions



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19480 SE 28TH PLACE
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MAILED

SEP 20 2010

OFFICE OF PETITIONS

In re Application of :
Peigen Jiang :
Application No. 11/962,105 : **DECISION ON PETITION**
Filed: December 21, 2007 :
Attorney Docket No. ST06-01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before June 23, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed March 23, 2010. Accordingly, the date of abandonment of this application is June 24, 2010. A Notice of Abandonment was mailed on July 12, 2010.

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

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

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

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions



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**MARK S. NOWOTARSKI
30 GLEN TERRACE
STAMFORD CT 06906**

MAILED

OCT 22 2010

In re Application of	:	OFFICE OF PETITIONS
Ward A.R. DILL	:	
Application No. 11/962,156	:	DECISION ON PETITION
Filed: December 21, 2007	:	TO WITHDRAW
Attorney Docket No. WD121106USNP	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 28, 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 Mark Nowotarski the sole attorney of record.

Mark Nowotarski has been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address 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: **WARD A.R. DILL,
RADIAL BAT INSTITUTE, INC.
221 D STIRLING ROAD
WARREN NJ 07059**



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/962,156	12/21/2007	Ward A. R. Dill	WD121106USNP

CONFIRMATION NO. 7545

POWER OF ATTORNEY NOTICE

57572
MARK S. NOWOTARSKI
30 GLEN TERRACE
STAMFORD, CT 06906



Date Mailed: 10/18/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/28/2010.

- 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.

/dcgoodwyn/

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



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MOTOROLA SOLUTIONS INC
IP LAW DOCKETING
1301 EAST ALGONQUIN ROAD
IL02 5TH FLOOR - SH5
SCHAUMBURG IL 60196

MAILED
FEB 10 2012
OFFICE OF PETITIONS

In re Application of :
Szczech, et al. :
Application No. 11/962,164 : ON PETITION
Filed: December 21, 2007 :
Attorney Docket No. CML05337T :

This is in response to petition to revive under 37 CFR 1.137(b),
filed January 12, 2012.

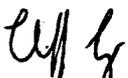
The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to
timely file a proper reply to the final Office action mailed
May 24, 2011. This Office action set a shortened statutory
period for reply of three months. No proper reply having been
received, the application became abandoned on August 25, 2011.
The Office mailed a Notice of Abandonment on November 18, 2011.

With the instant petition, petitioner paid the petition fee, made
the proper statement of unintentional delay, and submitted the
required reply in the form of an RCE.

The application is being forwarded to Group Art Unit 1713 for
consideration of the RCE, filed January 12, 2012.

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


Cliff Congo
Petitions Attorney
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/962,168	12/21/2007	Robert Baldemair	4015-5992 / P23992-US1	7573
24112	7590	07/27/2011	EXAMINER	
COATS & BENNETT, PLLC 1400 Crescent Green, Suite 300 Cary, NC 27518			PHAM, BRENDA H	
			ART UNIT	PAPER NUMBER
			2464	
			MAIL DATE	DELIVERY MODE
			07/27/2011	PAPER

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

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



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MAILED

Daniel P. Homiller
COATS & BENNETT, PLLC
1400 Crescent Green, Suite 300
Cary NC 27518

JUN 26 2011
DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

In re Application of: BALDEMAIR, R. et. al.
Application No. 11/962,168
Filed: December 21, 2007
Atty Docket No.: 4015-5992/P23992-US1
Title of the Invention:
SYNCHRONIZATION TIME DIFFERENCE
MEASUREMENTS IN OFDM SYSTEMS

**DECISION ON PETITION TO
WITHDRAW RESTRICTION
REQUIREMENT UNDER 37
C.F.R. § 1.144**

This is a decision on the Petition under 37 C.F.R. §1.144 filed **June 14, 2011** regarding a restriction requirement made in office action mailed January 24, 2011.

This petition is **GRANTED**.

RULES AND REGULATIONS

MPEP 803

Under the statute, the claims of an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent (MPEP § 802.01, § 806.06, and § 808.01) or distinct (MPEP § 806.05 - § 806.05(j)).

If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.

MPEP 803 (II)

Examiners must provide reasons and/or examples to support conclusions, but need not cite documents to support the restriction requirement in most cases. Where plural inventions are capable of being viewed as related in two ways, both applicable criteria for distinctness must be demonstrated to support a restriction requirement. If there is an express admission that the claimed inventions would have been obvious over each other within the meaning of 35 U.S.C. 103, restriction should not be required. In re Lee, 199 USPQ 108 (Comm'r Pat. 1978).

For purposes of the initial requirement, a serious burden on the examiner may be prima facie shown by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP § 808.02. That prima facie showing may be

rebutted by appropriate showings or evidence by the applicant. Insofar as the criteria for restriction practice relating to Markush-type claims is concerned, the criteria is set forth in MPEP 803.02. Insofar as the criteria for restriction or election practice relating to claims to genus-species, see MPEP § 806.04 - § 806.04(i) and § 808.01(a).

MPEP 806 Determination of Distinctness or Independence of Claimed Inventions

The general principles relating to distinctness or independence may be summarized as follows:

(A) Where inventions are independent (i.e., no disclosed relation there between), restriction to one thereof is ordinarily proper. MPEP § 806.06.

(B) Where inventions are related as disclosed but are distinct as claimed, restriction may be proper.

(C) Where inventions are related as disclosed but are not distinct as claimed, restriction is never proper.

(D) A reasonable number of species may be claimed when there is an allowable claim generic thereto. 37 CFR 1.141, MPEP § 806.04. Where restriction is required by the Office double patenting cannot be held, and thus, it is imperative the requirement should never be made where related inventions as claimed are not distinct.

For (B) and (C) see MPEP § 806.05 - § 806.05(j) and § 809.03. See MPEP § 802.01 for criteria for patentably distinct inventions.

MPEP 806.01 Compare Claimed Subject Matter

In passing upon questions of double patenting and restriction, it is the claimed subject matter that is considered and such claimed subject matter must be compared in order to determine the question of distinctness or independence. However, a provisional election of a single species may be required where only generic claims are presented and the generic claims recite such a multiplicity of species that an unduly extensive and burdensome search is necessary. See MPEP § 803.02 and § 808.01(a).

MPEP 806.04 Genus and/or Species Inventions

Where an application includes claims directed to different embodiments or species that could fall within the scope of a generic claim, restriction between the species may be proper *if* the species are independent or distinct. However, 37 CFR 1.141 provides that an allowable generic claim may link a reasonable number of species embraced thereby. The practice is set forth in 37 CFR 1.146.

MPEP 806.04(b) Species May Be Independent or Related Inventions

Species may be either independent or related under the particular disclosure. Where species under a claimed genus are not connected in any of design, operation, or effect under the disclosure, the species are independent inventions. See MPEP § 802.01 and § 806.06. Where inventions as disclosed and claimed are both (A) species under a claimed genus and (B) related, then the question of restriction must be determined by both the practice applicable to election of species and the practice applicable to other types of restrictions such as those covered in MPEP § 806.05 - § 806.05(j). If restriction is improper under either practice, it should not be required.

For example, two different subcombinations usable with each other may each be a species of some common generic invention. If so, restriction practice under election of species

and the practice applicable to restriction between combination and subcombinations must be addressed.

MPEP 806.04(h) Species Must Be Patentably Distinct From Each Other

In making a requirement for restriction in an application claiming plural species, the examiner should group together species considered clearly unpatentable over each other.

MPEP 806.04(f) Restriction Between Mutually Exclusive Species

Where two or more species are claimed, a requirement for restriction to a single species may be proper if the species are mutually exclusive. Claims to different species are mutually exclusive if one claim recites limitations disclosed for a first species but not a second, while a second claim recites limitations disclosed only for the second species and not the first. This may also be expressed by saying that to require restriction between claims limited to species, the claims must not overlap in scope.

MPEP 806.05(d): Subcombinations Usable Together

Two or more claimed subcombinations, disclosed as usable together in a single combination, and which can be shown to be separately usable, are usually restrictable when the subcombinations do not overlap in scope and are not obvious variants.

MPEP 806.05(c) Criteria of Distinctness Between Combination and Subcombination

To support a requirement for restriction between combination and subcombination inventions, both two-way distinctness and reasons for insisting on restriction are necessary, i.e., there would be a serious search burden if restriction were not required as evidenced by separate classification, status, or field of search. See MPEP § 808.02.

The inventions are distinct if it can be shown that a combination as claimed:

(A) does not require the particulars of the subcombination as claimed for patentability (to show novelty and unobviousness), and

(B) the subcombination can be shown to have utility either by itself or in another materially different combination. When these factors cannot be shown, such inventions are not distinct.

MPEP 806.06 Independent Inventions

Inventions as claimed are independent if there is no disclosed relationship between the inventions, that is, they are unconnected in design, operation, and effect. If it can be shown that two or more inventions are independent, and if there would be a serious burden on the examiner if restriction is not required, applicant should be required to restrict the claims presented to one of such independent inventions. For example:

(A) Two different combinations, not disclosed as capable of use together, having different modes of operation, different functions and different effects are independent. An article of apparel and a locomotive bearing would be an example. A process of painting a house and a process of boring a well would be a second example.

(B) Where the two inventions are process and apparatus, and the apparatus cannot be used to practice the process or any part thereof, they are independent. A specific process of molding is independent from a molding apparatus that cannot be used to practice the specific process.

DECISION

The claims as filed 12/21/07 has been reviewed and found not restrictable in accordance with the rules and regulations above mentioned.

More specifically, in accordance with the restriction requirement mailed 01/24/11 the claims were directed to inventions that are unrelated. The rejection fails to show how the inventions are not disclosed as capable of being used together and they have different designs, modes of operation, and effects. Rather, the rejection merely states “[i]n this case, the difference inventions have different modes of operations, different functions and they have different effects.” (p. 2). The rejection, as such, lacks reasoning for concluding that the inventions are unrelated, i.e. showing what the modes of operation are and how they are different, what are the functions and how are the functions different and what are the effects and how are they different.

The record lacks supporting rational to show that the claimed invention is directed to two different species that are mutually exclusive and as such do not overlap in scope in accordance with MPEP 806.04(f). The record lacks the initial requirement of a prima facie shown by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP 808.02, to show a serious burden if restriction were not required (see MPEP 803 II, 806.05(d)) if applicable.

Claims 1 and claim 13, both pertain to a device operable to determine a time difference between a first and second decoding synchronization time of an OFDM signal. Upon addressing applicant’s traversal to the restriction, Office rebuts, “[t]here is a claimed invention directly related to a method for use in a wireless mobile terminal for determining a received time difference between a first OFDM signal received from a first base station and a second OFDM signal received from a second base station, and there is another claimed invention directly related to a method use in *a base station for processing time difference information*. The inventions as distinct because they can have a materially different design, mode of operation, function and effect.” action mailed 04/19/11 (p. 2).

However, claim 13 recites, [a] first base station...comprising processing circuitry configured to: receive a time difference parameter...the time difference parameter indicating a time difference between a first decoding synchronization time corresponding to a first OFDM signal received by the mobile terminal from the first base station and a second decoding synchronization time corresponding to a second OFDM signal received by the mobile terminal from a second base station...”, this subject matter, in substance, does not appear to be **unrelated** as concluded on the above mentioned communication.

Regarding the separate proposed classification, or separate status in the art, or a different field of search as defined in MPEP 808.02, the office action fails to show a serious burden if restriction were not required (see MPEP 803 II, 806.05(d)). More particularly, (i) a method in a wireless mobile terminal for determining a received time difference between a first OFDM signal received from a first base station and a second OFDM signal received from a second base station, comprising: determining a decoding synchronization time for each of the first and second OFDM signals; and calculating a time difference between the decoding synchronization times, does not appear to be classified separately from (ii) [a] first base station for use in an OFDM-

based wireless communication system, configured to: receive a time difference parameter, ...indicating a time difference between a first decoding synchronization time corresponding to a first OFDM signal received by the mobile terminal from the first base station and a second decoding synchronization time corresponding to a second OFDM signal received by the mobile terminal from a second base station.

Thus, these inventions are not independent in order to sustain a restriction requirement, because distinctness has not been shown. Distinctness is proven when the intermediate and final products do not overlap in scope and are not obvious variants (MPEP 806.04(b)). Inventions as claimed are independent if there is no disclosed relationship between the inventions, that is, they are unconnected in design, operation, and effect. In this case, it has not been shown that two or more inventions are independent, much less unrelated and if there would be a serious burden on the examiner if restriction is not required.

For the above-mentioned reasons, the petition is **Granted**.

The restriction requirement is hereby **WITHDRAWN**. The application will be forwarded to the examiner for consideration on the merits of all pending claims.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, alternatively, Kim Huynh, Quality Assurance Specialist, can be reached at (571) 272-4147.

/bp/

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400
Network, Multiplexing, Cable and Security



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**MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903**

MAILED

JAN 30 2012

OFFICE OF PETITIONS

In re Application of	:	
KENT, Carl Ernest	:	
Application No. 11/962,246	:	DECISION ON PETITION
Filed: December 21, 2007	:	TO WITHDRAW
Attorney Docket No. 15136.5USU1	:	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 04, 2012.

The request is **APPROVED**.

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

The request was signed by Julie R. Daulton on behalf of all attorneys of record who are associated with customer No. 23552. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Carl E. Kent at the address indicated below.

There is an outstanding Office action mailed November 08, 2011 that requires a reply from the 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: **CARL E. KENT**
825 PROVIDENCE DRIVE
SHAKOPEE, MINNESOTA 55379



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/962,285	12/21/2007	Robert P. Morris	I509/US	7810
49277	7590	10/19/2011	EXAMINER	
SCENERA RESEARCH, LLC 5400 Trinity Road Suite 303 Raleigh, NC 27607			MOORE JR, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2467	

DATE MAILED: 10/19/2011

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

The request for deferral/suspension of action under 37 CFR 1.103 has been approved.



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/962,285	12/21/2007	Robert P. Morris	1509/US	7810
49277	7590	10/19/2011	EXAMINER	
SCENERA RESEARCH, LLC 5400 Trinity Road Suite 303 Raleigh, NC 27607			MOORE JR, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2467	
			MAIL DATE	DELIVERY MODE
			10/19/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

OCT 19 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

Scenera Research, LLC
5400 Trinity Road
Suite 303
Raleigh NC 27607

In re Application of:

Morris

Appl. No.: 11/962,285

Filed: December 21, 2007

For: **METHODS AND SYSTEMS FOR SENDING
INFORMATION TO A ZONE INCLUDED IN AN
INTERNET NETWORK**

⋮
⋮
⋮
⋮
⋮

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

This is a decision on the petition for suspension of prosecution under 37 CFR § 1.103(a) filed on September 12, 2011. This is the fourth petition for suspension.

The petition is **GRANTED**.

Pursuant to applicant's request filed on September 12, 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of six (6) months from the mailing of this letter. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to Christopher Grant whose telephone number is (571) 272-7294.

/Christopher Grant/
Christopher Grant, WQAS
Technology Center 2400



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Coors Tek-Saint Gobain
2425 South 900 West
Salt Lake City, UT 84119

MAILED

NOV 04 2011

OFFICE OF PETITIONS

In re Application of :
Vimal K. Pujari, et. al. :
Application No. 11/962,352 :
Filed: December 21, 2007 :
Attorney Docket No. 2500.2.81 :

DECISION ON PETITION

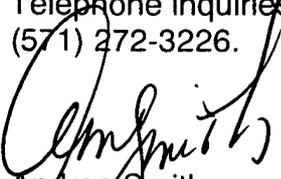
This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 24, 2011, to revive the above-identified application.

The application became abandoned for failure to file a timely reply to the Notice of Allowability (Notice) mailed on June 30, 2011. A Notice of Abandonment was mailed October 13, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of one (1) sheet of replacement drawing; (2) the petition fee of \$1,860; 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



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MCHALE & SLAVIN, P.A.
2855 PGA BLVD
PALM BEACH GARDENS FL 33410

MAILED

APR 01 2011

OFFICE OF PETITIONS

In re Application of :
Anderson et al. :
Application No. 11/962,354 : **DECISION ON PETITION**
Filed: December 21, 2007 :
Attorney Docket No. 1251.419 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 21, 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, July 9, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 10, 2010. A Notice of Abandonment was mailed January 14, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$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.

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

This matter is being referred to Technology Center AU 3643 for processing of the Request for Continued Examination under 37 CFR 1.114 and the Amendment filed with the instant petition.

Joan Olszewski
Petitions Examiner
Office of Petitions



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

**INGRASSIA FISHER & LORENZ, P.C. (GM)
7010 E. COCHISE ROAD
SCOTTSDALE AZ 85253**

MAILED

AUG 23 2010

In re Application of :
Brian A. Welchko et al :
Application No. 11/962,370 : DECISION GRANTING PETITION
Filed: December 21, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. GP-307027 (003.0452R) :

OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 20, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on 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 the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2837 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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



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**INGRASSIA FISHER & LORENZ, P.C. (GM)
7010 E. COCHISE ROAD
SCOTTSDALE AZ 85253**

MAILED

AUG 23 2010

OFFICE OF PETITIONS

In re Application of :
Brian A. Welchko et al :
Application No. 11/962,370 : DECISION GRANTING PETITION
Filed: December 21, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. GP-307027 (003.0452R) :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 20, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on 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 the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2837 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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



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ROBERT A. PARSONS
4000 N. CENTRAL AVENUE, SUITE 1220
PHOENIX AZ 85012

MAILED

OCT 14 2010

In re Application of : **OFFICE OF PETITIONS**
Robert B. Davies :
Application No. 11/962,412 : **DECISION ON PETITION**
Filed: December 21, 2007 :
Attorney Docket No. 4151-A10 :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before August 12, 2010, as required by the Notice of Allowance and Fee(s) Due mailed May 12, 2010. Accordingly, the date of abandonment of this application is August 13, 2010. A Notice of Abandonment was mailed August 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 payment of the issue fee of \$755.00, (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 Publishing Division for processing into a patent.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE



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MOTOROLA MOBILITY, INC
600 NORTH US HIGHWAY 45
W2-55BB
LIBERTYVILLE IL 60048-5343

MAILED

OCT 28 2011

OFFICE OF PETITIONS

In re Application of
Matthew B. Wienke
Application No. 11/962,466
Filed: December 21, 2007
Attorney Docket No. CS34090

:
:
: DECISION ON PETITION
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 18, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

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

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

With respect to item (1), petitioner has failed to submit the required reply. 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, 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).

The Examiner has responded to the Amendment After Final with an Advisory Action (copy enclosed).

Petitioner must now submit a proper reply as described above.

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

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

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: Examiner's Advisory Action

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

Application No.

11/962,466

Applicant(s)

WIENKE, MATTHEW B.

Examiner

KASHIF SIDDIQUI

Art Unit

2617

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

THE REPLY FILED 18 October 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

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

a) The period for reply expires 3 months from the mailing date of the final rejection.

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

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

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

NOTICE OF APPEAL

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

AMENDMENTS

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

(a) They raise new issues that would require further consideration and/or search (see NOTE below);

(b) They raise the issue of new matter (see NOTE below);

(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) They present additional claims without canceling a corresponding number of finally rejected claims.

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

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

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

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

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

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

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-7 and 9-20.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

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

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of 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: _____.

/KASHIF SIDDIQUI/
Examiner, Art Unit 2617

Continuation of 11. does NOT place the application in condition for allowance because: UD discloses (see F1) a plurality of traces in the mesh all parallel the the sides interpreted by the Examiner as the side edges..



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Husch Blackwell LLP
Husch Blackwell Sanders LLP Welsh & Katz
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

MAILED
OCT 26 2011
OFFICE OF PETITIONS
ON PETITION

In re Application of :
Hiroko Nomura, et al. :
Application No.: 11/962,509 :
Filed: December 21, 2007 :
Attorney Docket No.: 0553-0650 :

This is a decision on the petition, filed October 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 not signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Mark J. Murphy appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

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 22, 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 1786 for further processing of the request for continued examination under 37 CFR 1.114.

/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
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Decision Date : February 22, 2012

In re Application of :

Suresh Basoor

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11962535

Filed : 21-Dec-2007

Attorney Docket No : 70060022-01

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed February 22, 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 2811 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	11962535
Filing Date	21-Dec-2007
First Named Inventor	Suresh Basoor
Art Unit	2811
Examiner Name	NITIN PAREKH
Attorney Docket Number	70060022-01
Title	INFRARED PROXIMITY SENSOR PACKAGE WITH REDUCED CROSSTALK

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	/Scott Weitzel/
Name	Scott Weitzel
Registration Number	54534



UNITED STATES PATENT AND TRADEMARK 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.
11/962,584	12/21/2007	David Bzik	DC0185US.P2	8374
7590 Licata & Tyrrell P.C. 66 E. Main Street Marlton, NJ 08053		01/27/2012	EXAMINER FORD, VANESSA L	
			ART UNIT	PAPER NUMBER
			1645	
			MAIL DATE	DELIVERY MODE
			01/27/2012	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 27 2012

Licata & Tyrrell P.C.
66 E. Main Street
Marlton NJ 08053

In re Application of:
Bzik et al.
Serial No.: 11/962,584
Filed: December 21, 2007
Attorney Docket No: **DC0185US.P2**

**DECISION ON PETITION TO
WITHDRAW NOTICE OF
NON-COMPLIANT
AMENDMENT**

This is in response to applicants' petition under 37 CFR. § 1.181(a), filed on January 19, 2012, to enter the amendment filed January 5, 2010 and the amendment filed with a Request for Continued Examination on November 2, 2011.

The petition and file history have been carefully reviewed.

Relevant parts of the prosecution history are summarized below.

On December 20, 2011, the examiner mailed a miscellaneous action to applicants stating "Applicant's amendment filed at the time of filing a request for continued examination (RCE) is non-responsive. The examiner also indicated that "Applicants cannot file an RCE to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined as a matter of right (i.e., applicant cannot switch inventions). See 37 CFR 1.145."

In response thereto, applicants filed the instant petition of January 19, 2012 stating that they "respectfully request that The Office asserts that these amendments are not responsive because the basis of the claims in the amendments is independent and distinct from the claims previously claimed and examined. However, Applicants respectfully point out that the subject matter of the claims filed in the amendments of January 5, 2010 and November 2, 2011 is within the scope of the previous claims and are, in fact, more narrow in scope."

Applicants' points are well taken and found to be persuasive.

Accordingly, applicants' petition is **GRANTED**.

As a result, the notice of non-responsive CPA amendment will be withdrawn and the amendment and the RCE will be entered. This application will be forwarded to the examiner to take an action consistent with the decision herein.

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 at 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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P.O. Box 1450
Alexandria, VA 22313-1450
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PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

MAILED

FEB 10 2011

In re Application of: : **OFFICE OF PETITIONS**
Raymond Kohler :
Application No. 11/962,705 : **DECISION ON PETITION**
Filed: December 21, 2007 :
Attorney Docket No. 683857-3U1 :

This is a decision on the petition, filed October 10, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed January 22, 2008. A Notice of Abandonment was mailed September 26, 2008.

Petitioner asserts that the Notice dated January 22, 2008, was not received.

A review of the written record indicates no irregularity in the mailing of the Office action and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Notice was not received by the practitioner at the correspondence address of record;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received; and
3. a copy of the docket record where the non-received Notice would have been entered and docketed had it been received must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

As no fee is required for a petition under 37 CFR 1.181 requesting withdrawal of the holding of abandonment, the fee of \$400 will be credited to petitioner's deposit account as authorized.

This application is being referred to the Office of Patent Application Processing (OPAP) for re-mailing the Notice to File Missing Parts of Nonprovisional Application of January 22, 2008. The period for reply will run from the mailing date of the Notice.

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

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : January 29, 2011

TO SPE OF : ART UNIT 2611

SUBJECT : Request for Certificate of Correction for Appl. No.: 11962779 Patent No.: 7596171

CofC mailroom date: Jan. 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**

Valerie Jackson

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: _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE

Shirley Liu 2011

Art Unit



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IBM CORP (YA)
C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS TX 75380

MAILED
AUG 3 1 2010
OFFICE OF PETITIONS

In re Application of :
Joseph John Katnic :
Application No.: 11/962793 : DECISION ON
Filing or 371(c) Date: 12/21/2007 : PETITION
Attorney Docket Number: AU920070002US1 :

This is a decision in response to the "Petition to Withdraw Holding of Abandonment Office Action not Received," filed November 10, 2008. The petition is properly treated under 37 CFR 1.181.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed January 7, 2008. The Notice set a two (2) month period for reply. No reply having been received, the application became abandoned on March 8, 2008. A Notice of Abandonment was mailed September 17, 2008.

With the present petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

The application will be referred to the Office of Patent Application Processing for processing of the response to the Notice, filed on with the present petition on November 10, 2008 and for continued processing in the normal course of business.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCANDREWS HELD & MALLOY LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of :
Patariu, et al. :
Application No. 11/962,808 : ON REQUEST FOR
Filed: December 21, 2007 : RECONSIDERATION OF
Attorney Docket Number: 14889US03 : PATENT TERM ADJUSTMENT

This is a decision on the petition under 37 CFR 1.705(b), filed February 14, 2011. Applicants believe that the PTA should be adjusted from 205 days to 373 days. Applicants request this correction on the basis that the Office will take in excess of three years to issue this patent.

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

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

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

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

In view thereof, the correct determination of PTA prior to issuance is **two hundred five (205) 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

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Emerson, Thomson & Bennett, LLC
1914 Akron-Peninsula Road
Akron OH 44313

MAILED
MAR 20 2012
OFFICE OF PETITIONS

In re Application of :
Myers :
Application No. 11/962,814 : DECISION ON PETITION
Filed: December 21, 2007 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 30515.44558 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed February 15, 2012, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

This pending nonprovisional application was filed on December 21, 2007, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/878,421, which was filed on December 31, 2006, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

However, 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. § 119(e) after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 119(e) 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 renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, are required.

The fee required by 37 CFR 1.78(a)(6)(ii) has been charged to the authorized deposit account.

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

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

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

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

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

/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

MORGAN, LEWIS & BOCKIUS LLP (SF)
ONE MARKET, SPEAR STREET TOWER, SUITE 2800
SAN FRANCISCO, CA 94105

MAILED

JAN 20 2011

OFFICE OF PETITIONS

In re Application of :
Yongdok An :
Application No. 11/962,839 :
Filed: December 21, 2007 :
Attorney Docket No.: 060945-5161-US :

ON PETITION

This is a decision in response to the petition, filed November 12, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

It is noted that the person signing the instant petition is not an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Victor E. Johnson appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

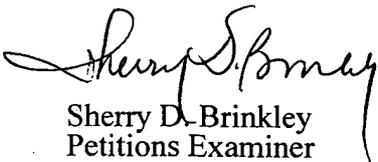
The petition is **GRANTED**.

This application became abandoned for failure to submit corrected drawings on or before September 27, 2010, as required by the Notice of Allowability, mailed June 25, 2010. A Notice of Abandonment was mailed on October 11, 2010. In response, on November 12, 2010, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal drawings, (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay¹.

The application is being referred to the Office of Data Management to oversee a review of the drawings filed November 12, 2010 and 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

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

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	11962846
Filing Date	21-Dec-2007
First Named Inventor	Krishna Bharat
Art Unit	2159
Examiner Name	JORGE CASANOVA
Attorney Docket Number	GOOGLE-37-2CON
Title	RENDERING ADVERTISEMENTS WITH DOCUMENTS HAVING ONE OR MORE TOPICS USING USER TOPIC INTEREST INFORMATION

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	/John Pokotylo/
Name	John Pokotylo
Registration Number	36242



UNITED STATES 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 27,2011

In re Application of :

Krishna Bharat

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11962846

Filed : 21-Dec-2007

Attorney Docket No : GOOGLE-37-2CON

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed July 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 2159 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 5/25/2011
TO SPE OF : ART UNIT 1648 LUCAS ZACHARIAH (SPE)
SUBJECT : Request for Certificate of Correction for Appl. No.: 11/962924 Patent No.: 7488069
CofC mailroom date: 5/9/2011

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.

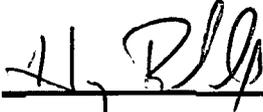
Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

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: _____



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.

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

Comments: _____

/Zachariah Lucas/ 1648

SPE **Art Unit**



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MAILED
SEP 21 2011
OFFICE OF PETITIONS

MOTOROLA MOBILITY, INC
600 NORTH US HIGHWAY 45
W2-55BB
LIBERTYVILLE IL 60048-5343

In re Application of :
Peterka et al. :
Application No. 11/962953 : ON PETITION
Filing or 371(c) Date: 12/21/2007 :
Attorney Docket Number: :
BCS04343 :

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), August 26, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the Office communication, mailed December 10, 2010. The Office communication set a one (1) month or 30-day 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 January 11, 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 a response to the Restriction/Election Requirement; (2) the petition fee; and (3) the required statement of unintentional delay are filed with the present petition. 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 forwarded to Technology Center Art Unit 2453 for processing of the response 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

CC: LARRY T. CULLEN
101 TOURNAMENT DRIVE
HORSHAM, PA 19044



DLC PATENTS, PLLC
13032 CRATER LAKE CIRCLE
RIVERTON UT 84065

MAILED

APR 26 2011

OFFICE OF PETITIONS

DECISION ON PETITION

In re Application of
Harvey J. Horowitz et al.
Application No. 11/962,957
Filed: December 21, 2007
Attorney Docket Number: **10313.1**

This is a decision on the petition under 37 CFR 1.137(a), filed March 3, 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(a)" or "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

The Notice of Allowance was mailed August 30, 2010, to which the Issue Fee was due not later than November 30, 2010. Additionally, a Notice to File Corrected Application Papers was mailed October 6, 2010 which set a non-extendable period of two months for reply. No response having been timely filed to either of the Notices, this application became abandoned and accordingly, a Notice of Abandonment was mailed December 20, 2010.

Petitioner asserts unavoidable delay in filing timely responses in that he was unaware that the previous Attorney of Record had withdrawn as counsel and thus that the Notice dated October 6, 2010 had been mailed.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

- (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the

issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;

(2) the petition fee as set forth in § 1.17(l);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

This petition lacks item (3) above.

SHOWING OF UNAVOIDABLE DELAY

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.¹

The showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.²

¹In 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).

²Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

Having considered the evidence presented, petitioner has not proven unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).

The REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS filed June 8, 2010 was granted in a decision mailed June 28, 2010. For future correspondence, the address provided by the previous Attorney of Record was; Mr. Harvey Horowitz B & H Electronics, 308 Museum Village Road City, Monroe , NY 10950. The address information was updated in the USPTO system and accordingly, the Notice of Allowance mailed August 30, 2010 and the Notice to File Corrected Application Papers dated October 6, 2010 were properly mailed to the address provided, the same address to which the Notice of Abandonment was mailed. No additional address information was given until such time as the Power of Attorney was filed March 3, 2011 and corrected on March 11, 2011.

In view of the above, non-receipt hasn't been proven and thus, the cause of delay in filing a response to the Notice of Allowance mailed August 30, 2010 and the Notice to File Corrected Application Papers dated October 6, 2010 can only be seen as a lack of diligence on the part of the petitioner.

Having considered the evidence presented, petitioner has not established unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).

ALTERNATIVE VENUE

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b)³, which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional

³Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

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

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

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

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

delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

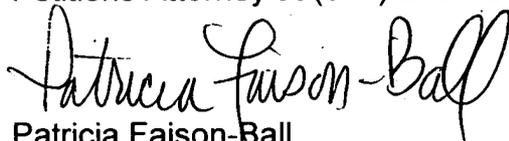
It should be noted that if petitioner chooses to file a petition under the unintentional standard the fees due would be \$1620.00 for a large entity and \$810.00 for a small entity and the fees submitted with the instant petition cannot be applied as petitioner has already received consideration under the unavoidable standard.

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

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

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

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



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



DLC PATENTS, PLLC
13032 CRATER LAKE CIRCLE
RIVERTON UT 84065

MAILED
SEP 16 2011

In re Application of
Harvey J. Horowitz et al.
Application No. 11/962,957
Filed: December 21, 2007
Attorney Docket Number: **10313.1**

:
: **OFFICE OF PETITIONS**
: **DECISION ON PETITION**
:
:
:

This is a decision on the renewed petition under 37 CFR 1.137(a), filed June 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(a)". This is not a final agency decision, however, the renewed petition should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the renewed petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

The Notice of Allowance was mailed August 30, 2010, to which the Issue Fee was due not later than November 30, 2010. Additionally, a Notice to File Corrected Application Papers was mailed October 6, 2010 which set a non-extendable period of two months for reply. No response having been timely filed to either of the Notices, this application became abandoned and accordingly, a Notice of Abandonment was mailed December 20, 2010. In a petition filed March 3, 2011, petitioner asserted unavoidable delay in filing timely responses because of non-receipt. Specifically, while the file record discloses that the Notice was mailed to the inventor, he argues that he was unaware that the previous Attorney of Record had withdrawn as counsel and thus that the Notice dated October 6, 2010 had been mailed.

The petition was dismissed in a decision mailed January 31, 2011 because the showing presented was insufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).

Comes now petitioner with the instant renewed petition under 37 CFR 1.137(a) arguing no mailings from the USPTO were received prior to the Notice of Abandonment and that he was unaware that any action was due in the Application. Specifically, that the Notice of Allowance mailed August 30, 2010 and the Notice to File Corrected Application Papers mailed October 16, 2010 were not received and at no time was

Applicant aware that action was due until the Notice of Abandonment was received on or about February 9, 2011.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

- (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;
- (2) the petition fee as set forth in § 1.17(l);
- (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and
- (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

This petition still lacks item (3) above.

SHOWING OF UNAVOIDABLE DELAY

Decisions on reviving abandoned applications on the basis of “unavoidable” delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word ‘unavoidable’ . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.¹

¹In *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).

In the previous decision mailed April 26, 2011, petitioners were advised that based on the withdrawal of petitioner's attorney and change of correspondence address, the address information was updated in the USPTO system and accordingly, the Notice of Allowance mailed August 30, 2010 and the Notice to File Corrected Application Papers dated October 6, 2010 were properly mailed to the address provided, which is the same address to which the Notice of Abandonment was mailed. The evidence provided was not sufficient to establish non-receipt.

No additional evidence of non-receipt has been provided. A statement of non-receipt is not sufficient to establish unavoidable delay and no corroborating evidence has been provided.

Thus, as previously indicated, petitioner has not carried the burden of proof to establish to the satisfaction of the Commissioner that the delay was unavoidable and since all correspondences were mailed to the same address, allegedly some were received and others were not, the record fails to adequately evidence that petitioner exercised the due care observed by prudent and careful men, in relation to their most important business, to establish unavoidable delay, Pratt, supra.

As the showing presented is insufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a), the renewed petition will be dismissed.

ALTERNATIVE VENUE

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b)², which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay,

²Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

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

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

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

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

including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

It should be noted that if petitioner chooses to file a petition under the unintentional standard the fees due would be \$1620.00 for a large entity and \$810.00 for a small entity and the fees submitted with the instant petition cannot be applied as petitioner has already received consideration under the unavoidable standard.

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

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

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

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



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



MAILED
DEC 09 2011
OFFICE OF PETITIONS

DLC PATENTS, PLLC
13032 CRATER LAKE CIRCLE
RIVERTON UT 84065

In re Application of :
Harvey J. Horowitz et al. : DECISION ON PETITION
Application No. 11/962,957 :
Filed: December 21, 2007 :
Attorney Docket Number: 10313.1 :

This is a decision on the petition filed November 28, 2011 under 37 CFR 1.137(b),¹ to revive the above-identified application.

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

The Notice of Allowance was mailed August 30, 2010, to which the Issue Fee was due not later than November 30, 2010. Additionally, a Notice to File Corrected Application Papers was mailed October 6, 2010 which set a non-extendable period of two months for reply. No response having been timely filed to either of the Notices, this application became abandoned and accordingly, a Notice of Abandonment was mailed December 20, 2010.

The issue fee in the amount of \$755.00 and the publication fee in the amount of \$300 were paid on March 3, 2011. All other requirements of 37 CFR 1.137(b) having now been met, this matter is being referred to the Publishing Division to be processed into a patent.

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

/Patricia Faison-Ball/

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

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

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

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



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Commissioner for Patents
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LEFFERT JAY & POLGLAZE, P.A.
P.O. BOX 581009
MINNEAPOLIS MN 55458-1009

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of :
Michael Violette, et al. :
Application No. 11/962,967 : DECISION GRANTING PETITION
Filed: December 21, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 400.298US03 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, September 27, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 15 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 2811 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/23/2011
 TO SPE OF : ART UNIT 3617 Morano IV Samuel (spe)
 SUBJECT : Request for Certificate of Correction for Appl. No.: 11/962977 Patent No.: 7958838
 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: _____



 SPE

3617
 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.
11/963,002	12/21/2007	Wataru ITO	Q105652	9190
23373	7590	02/25/2011	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			LE, BRIAN Q	
			ART UNIT	PAPER NUMBER
			2624	
			NOTIFICATION DATE	DELIVERY MODE
			02/25/2011	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):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.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

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
ITO, WATARU	:	DECISION ON REQUEST TO
Application No. 11/963,002	:	PARTICIPATE IN PATENT
Filed: December 21, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. Q105652	:	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 December 22, 2010, to make the above-identified application special.

The request and petition are **DENIED**.

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.

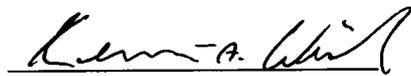
The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Concerning item 4.) above: Examination of the instant U.S. Application has begun. An Office action was mailed on January 24, 2011.

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 time period set in the Office action mailed January 24, 2011 continues to run.



Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**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. 11/963,011
Filed: December 21, 2007
Attorney Docket No. 2121.35

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**

I hereby certify that this correspondence is being filed electronically with the U.S. Patent and Trademark Office on **September 10, 2010**.

Scott W. Brim, Reg. No. 51,500

/Scott W. Brim/ September 10, 2010
Signature Date

Attorney Docket No. 12729/349

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Arvind Gupta, et al.)	
Serial No.: 11/963,029)	Examiner:
Filing Date: December 21, 2007)	Group Art Unit No.: 2617
For: System for Serving Advertisements)	Confirmation No.: 9238
Targeted to Geographic Areas Over Mobile)	
Devices)	
)	
)	

PETITION UNDER 35 U.S.C. § 1.102 FOR SPECIAL STATUS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandra, VA 22313-1450

Dear Sir:

Applicants petition for special status under 35 U.S.C. § 1.102 for the above-identified application on the basis of the express abandonment of co-pending U.S. Pat. App. No. 12/554,628. A copy of the express abandonment of U.S. Pat. App. No. 12/554,628 is attached.

Both the above-identified application and U.S. Pat. App. No. 12/554,628 were owned by Yahoo!, Inc. as of October 1, 2009. An assignment of the present application from the inventors to Yahoo! Inc. is recorded at reel 020304, frame 0676, and an assignment of U.S. Pat. App. No. 12/554,628 from the inventors to Yahoo! Inc. is recorded at reel 024954, frame 0725.

The Applicants have not filed petitions to make special in more than fourteen other applications requesting special status under the Project Exchange / Patent Application Backlog Reduction Stimulus Plan.

Applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the above-identified application are directed to two or more independent and distinct inventions.

If there are any questions concerning this Petition, the Examiner is asked to phone the undersigned attorney at (312) 321-4200.

Respectfully submitted,

/Scott W. Brim/
Scott W. Brim
Registration No. 51,500
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
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MAILED
SEP 17 2010

In re Application of	:	OFFICE OF PETITIONS
GUPTA, et al.	:	DECISION ON PETITION
Application No. 11/963,029	:	TO MAKE SPECIAL
Filed: December 21, 2007	:	37 CFR 1.102
Attorney Docket No. 12729/349 (Y02886US00)	:	

This is a decision on the petition under 37 CFR 1.102, filed September 10, 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

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.
11/963,053	12/21/2007	Brian Dai	BPMOT0079BD (CS32695RL)	9278
27939	7590	04/04/2012	EXAMINER	
PHILIP H. BURRUS, IV 460 Grant Street SE Atlanta, GA 30312			ZUNIGA, JACKIE	
			ART UNIT	PAPER NUMBER
			2469	
			MAIL DATE	DELIVERY MODE
			04/04/2012	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.



PHILIP H. BURRUS, IV
460 Grant Street SE
Atlanta GA 30312

In re Application of: DAI, Brain et. al.
Application No. **11/963,053**
Filed: December 21, 2007
Atty Docket No. BPMOT0079BD
Title: METHOD AND APPARATUS FOR
DETECTION OF NETWORK HAVING
MULTIPLE IP-ADDRESS CAPABILITY

**DECISION ON PETITION
TO ENTER AND CONSIDER
AFFIDAVIT UNDER C.F.R.
§1.181**

This is a decision on the petition filed on February 22, 2012, requesting entry and consideration of Affidavit filed under 37 CFR 1.131 submitted on September 13, 2011 and corresponding "Foster affidavit" submitted on December 06, 2011.

The petition is **DISMISSED**.

RELEVANT PROSECUTION HISTORY

1. Affidavit filed September 13, 2011 under 37 CFR 1.131 by inventor Brain Dai attempts to overcome final rejection (dated 06/15/11) of claims 1-13 under 35 USC 103(a) as being unpatentable over Shabeer (US 2003/0021275) in view Yegani et al. (US 2009/0003359) by swearing behind the Yegani et al. reference's effective filing date. The affidavit filed September 13, 2011 was deemed ineffective to overcome the Yegani et al. reference because it was not signed by all the inventors or signed by the 37 CFR 1.47 applicant or the legal representative, where appropriate. (see MPEP 715.01(I)(A)-(B)) according to Advisory Action (mailed September 21, 2011)
2. Renew Affidavit filed December 06, 2011 under 37 CFR 1.131 by Gary J. Cunningham (representative of assignee) attempts to overcome final rejection (dated 06/15/11) of claims 1-13 under 35 USC 103(a) as being unpatentable over Shabeer (US 2003/0021275) in view Yegani et al. (US 2009/0003359) by swearing behind the Yegani et al. reference's effective filing date. The affidavit filed December 06, 2011 was deemed ineffective to overcome the Yegani et al. reference because it was not signed by all the inventors or signed by the 37 CFR 1.47 applicant or the legal representative, where appropriate. (see MPEP 715.01(I)(A)-(B)) according to non-final office action (mailed February 10, 2012).

In response to previous indication that affidavit filed September 13, 2011 was deemed ineffective to overcome the Yegani et al. reference because it was not signed by all the inventors or signed by the 37 CFR 1.47 applicant or the legal representative, applicant relies on MPEP

715.04(D) indicating that “[t]he assignee or other party in interest may file an affidavit when it is not possible to produce the affidavit or declaration of the inventor. Ex parte Foster 105 O.G. (Comm’r Pat. 1903). The affidavit indicated that “Inventors Jerry Mahler and Ying Chun Xu are **no longer employed** with Motorola Mobility, Inc. Therefore, “...it is not possible to produce the affidavits of these inventors.” (p. 2 of affidavit)

3. Non-final office action (dated February 10, 2012) addressed insufficiencies with respect to who may file an affidavit under 37 CFR 1.131 when the inventor is unavailable by referring to MPEP 715.04 (i.e. “(a) the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, or the party qualified under § § 1.42, 1.43, or 1.47, may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based”), as such the renew affidavit filed December 06, 2011 under 37 CFR 1.131 by Gary J. Cunningham (representative of assignee) was considered and found ineffective to overcome the Yegani et. al. reference. (p. 3 of action)

4. In response to non-final office action (dated February 10, 2012), petition is filed on February 22, 2012, requesting entry and consideration of Affidavit filed under 37 CFR 1.131 submitted on September 13, 2011 and corresponding “Foster affidavit” submitted on December 06, 2011. The substance of the petition sets forth: (i) filed affidavit is a “*Foster affidavit*” hence is do not need to include proof that the joint inventors could not be found or reached after diligent effort as required under 37 CFR 1.47 (p. 3); (ii) Applicant is not submitting the affidavit under Rule 47, nor applicant is seeking to allow a subset of inventors to sign a Rule 131 declaration under MPEP 715.04(I)(C), to the contrary, Applicant is submitting a “Foster affidavit” under MPEP 715.04(I)(D), because under such “*Foster affidavit*” the assignee is submitting a Rule 131 affidavit on behalf of an inventor. Applicant states “[s]ection 715.04(I)(C) covers Rule 47 practice, while section 715.04(I)(D) cover *Foster applications*”. (p. 3.)

RULES AND REGULATIONS

715.04 Who May Make Affidavit or Declaration; Formal Requirements of Affidavits and Declarations I. WHO MAY MAKE AFFIDAVIT OR DECLARATION

- (A) All the inventors of the subject matter claimed.
- (B) An affidavit or declaration by less than all named inventors of an application is accepted where it is shown that less than all named inventors of an application invented the subject matter of the claim or claims under rejection. For example, one of two joint inventors is accepted where it is shown that one of the joint inventors is the sole inventor of the claim or claims under rejection.
- (C) If a petition under 37 CFR 1.47 was granted or the application was accepted under 37 CFR 1.42 or 1.43, the affidavit or declaration may be signed by the 37 CFR 1.47 applicant or the legal representative, where appropriate.
- (D) The assignee or other party in interest when it is not possible to produce the affidavit or declaration of the inventor. Ex parte Foster, 1903 C.D. 213, 105 O.G. 261 (Comm’r Pat. 1903).

Affidavits or declarations to overcome a rejection of a claim or claims must be made by the inventor or inventors of the subject matter of the rejected claim(s), a party qualified under 37

CFR 1.42, 1.43, or 1.47, or the assignee or other party in interest when it is not possible to produce the affidavit or declaration of the inventor(s). Thus, where all of the named inventors of a pending application are not inventors of every claim of the application, any affidavit under 37 CFR 1.131 could be signed by only the inventor(s) of the subject matter of the rejected claims.

Where one or more of the named inventors of the subject matter of the rejected claim(s) (who had originally signed the oath or declaration for patent application under 37 CFR 1.63) is now **unavailable to sign** an affidavit or declaration under 37 CFR 1.131, the affidavit or declaration under 37 CFR 1.131 may be signed by the remaining joint inventors provided a petition under 37 CFR 1.183 requesting waiver of the signature of the unavailable inventor be submitted with the affidavit or declaration under 37 CFR 1.131. Proof that the non-signing inventor is unavailable or cannot be found similar to the proof required for a petition under 37 CFR 1.47 must be submitted with the petition under 37 CFR 1.183 (see MPEP § 409.03(d)). Petitions under 37 CFR 1.183 are decided by the Office of Petitions (see MPEP § 1002.02(b)).

Decision/Opinion

It is noted that decision of the Commissioner of Patent, namely, Ex parte Foster C.D. 213, 105 O.G. 261 (Comm'r Pat. 1903) was under Rule 75 as in force in 1903 and it was more general at that time, current practice are under Rule 1.131. Hence, when it is not possible to produce the affidavit or declaration of the inventor(s) petition under 37 CFR 1.183 is available or party qualified under 37 CFR 1.42, 1.43, or 1.47. Applicant arguments has been fully considered, however, with respect to the "Foster affidavit" submitted on December 06, 2011, it is noted that this affidavit was filed under 37 CFR 1.131 and not under Rule 75, hence, it is not deemed to be a "Foster affidavit" and section 715.04(I)(D) does not cover "*Foster applications*", as argued.

It is further noted, that the affidavit or declaration filed September 13, 2011 under 37 CFR 1.131 by inventor Brain Dai and renew Affidavit filed December 06, 2011 under 37 CFR 1.131 is found ineffective for the following reasons:

(i) The affidavit or declaration must state FACTS and produce such documentary evidence and exhibits in support thereof as are available to show conception and completion of invention in this country or in a NAFTA or WTO member country (MPEP § 715.07(c)), at least the conception being at a date prior to the effective date of the reference. (MPEP § 715.07(III)).

(ii) Exhibit and affidavit/declaration must clearly explain pointing out which facts or data being relied on to show completion or reduction to practice.

(iii) Exhibit and affidavit/declaration must establish possession of either the whole invention claimed or something falling within the claim (such as a species of a claimed genus), in the sense that the claim as a whole reads on it. (see showing of invention requirements: how much of the claimed invention must be shown (MPEP 715.02) The exhibit accompanying declaration need not support all of claimed limitations inasmuch as missing feature may be supplied by declaration itself, and since applicants could appropriately rely on factual showing in Rule 131 declarations in order to show conception prior to reference's effective date.

In other words, the exhibits must be explained, as to what they convey with respect to the invention claimed in order to establish possession of either the whole invention claimed or something falling within the claim.

Serial No.: 11/963,053
Decision on Petition

The affidavit filed September 13, 2011 under 37 CFR 1.131 by inventor Brain Dai and renew affidavit filed December 06, 2011 under 37 CFR 1.131 by Gary J. Cunningham (representative of assignee) has been considered but is ineffective to overcome the Yegani et al. (US 2009/0003359) reference's effective filing date.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, Christopher Grant, Quality Assurance Specialist, can be reached at (571) 272-7294.

/bp/

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400



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500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

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OFFICE OF PETITIONS

In re Application	:
Amit Oren et al.	:
Application No. 11/963,087	: DECISION ON APPLICATION
Filed: December 21, 2007	: FOR PATENT TERM ADJUSTMENT
Attorney Docket No. 18613US02	:

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 October 27, 2010. Applicant requests that the determination of patent term adjustment be corrected from 242 to 291636 days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and is considered in light of the recent court decision in light of the Court of Appeals for the Federal Circuit's decision in Wyeth v. Kappos, 2009-1120 (Fed. Cir. 1-7-2010).

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

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

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment

and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

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

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

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

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

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



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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



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**BCF LLP
1100 RENE-LEVESQUE BLVD. WEST
25TH FLOOR
MONTREAL QC H3B-5C9 CA CANADA**

**MAILED
MAR 12 2012
OFFICE OF PETITIONS**

In re Application of :
DJEZIRI :
Application No. 11/963,128 : **ON PETITION**
Filed: January 21, 2007 :
Attorney Docket No. 18401-035 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 30, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 21, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). A three month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is January 22, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$465, and the submission required by 37 CFR 1.114; (2) the petition fee of \$930; 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 3624 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 Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions



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

In re Application of

Sinquin, et al.

Application No. 11/963,240

Filed: December 21, 2007

Attorney Docket No. **T-6769**

MAILED

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OFFICE OF PETITIONS

:
:
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: **DECISION ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed September 13, 2010, 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 November 24, 2009. The final Office action set a shortened statutory period for reply of three months from its mailing date. A proper response was not received, and the application became abandoned on May 25, 2009.

The Request for Continued Examination filed September 13, 2010, is noted.

The application file is being forwarded to Technology Center 1700, GAU 1796 for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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

MAILED
JAN 9 0 2012
OFFICE OF PETITIONS

In re Application of :
Sinquin et al. :
Application No. 11/963240 : **DECISION ON PETITION**
Filing or 371(c) Date: 12/21/2007 :
Attorney Docket Number: :
T-6769 :

This is a Decision in response to the Petition to Revive an Unintentionally Abandoned Application Under 37 C.F.R. § 1.137(b), filed December 20, 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 February 8, 2011. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been filed, the application became abandoned May 9, 2011.

The present petition

Applicant files the present petition and a Request for Continued Examination ("RCE"). The submission required by 37 CFR 1.114, as noted on the RCE Transmittal Form, is the present petition.

The 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 lacks item(s) 1.

Analysis

Regarding a RCE, an applicant cannot request continued examination of an application until after prosecution in the application is closed. See 37 CFR 1.114(a). Prosecution in an application is closed if the application is under appeal, or the last Office action is a final action (37 CFR 1.113), a notice of allowance (37 CFR 1.311), or an action that otherwise closes prosecution in the application (e.g., an Office action under Ex parte Quayle, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935)).

In this instance, the application became abandoned for failure to timely and properly reply to the non-final Office action, mailed February 8, 2011. As such, prosecution of the application is not closed, and the RCE is not a proper reply to the Office action.

Petitioner may request a refund of the RCE fee by writing to the Office of Finance, Refund Section. A copy of this Decision should be included with the request.

The MPEP further provides that “[i]f prosecution in the application is not closed, applicant will be notified of the improper RCE and any amendment/reply will be entered. Thereafter, the application will be forwarded to the examiner for consideration of the amendment/reply under 37 CFR 1.111. MPEP 706.07(h).

However, in this instance, applicant has not filed a reply to the non-final Office action. As such, the requirements of 37 CFR 1.137(b)(1) have not been met¹. The MPEP provides that “[i]f prosecution in the application is not closed, applicant will be notified of the improper RCE and any amendment/reply will be entered. Thereafter, the application will be forwarded to the examiner for consideration of the amendment/reply under 37 CFR 1.111.” MPEP 706.07(h). In this instance, no amendment or reply to the Office action has been filed.

¹ Petitioner is further advised that “[a] “submission” as used in 37 CFR 1.114 includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. See 37 CFR 1.114(c). If a reply to an Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of 37 CFR 1.111. See 37 CFR 1.114(c). See, MPEP 706.07(h). (Emphasis supplied).

Conclusion

The petition is dismissed without prejudice. Applicant should file a request for reconsideration of petition and include the required reply. 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

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GENENCOR DIVISION
DANISCO US, INC.
925 PAGE MILL ROAD
PALO ALTO CA 94034-1013

MAILED

MAY 3 1 2011

OFFICE OF PETITIONS

In re Application of :
Fenel, et al. :
Application No. 11/963,285 : DECISION
Filed/Deposited: 21 December, 2007 :
Attorney Docket No. GC760C2-US :

This is a decision on the petition filed on 14 March, 2011, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

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

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

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

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 16 July, 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 February, 2011.

Application No. 11/963,285

On 14 March, 2011, Petitioner filed, *inter alia*, a petition with fee pursuant to 37 C.F.R. §1.137(b), a reply in the form of, *inter alia*, an amendment, and made the statement of unintentional delay.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).² The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.³))

As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See *Changes to Patent Practice and Procedure*, 62 *Fed. Reg.* at 53160 and 53178, 1203 *Off. Gaz. Pat. Office* at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

² 35 U.S.C. §133 provides:

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

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

³ Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Application No. 11/963,285

It appears that the requirements under the rule have been satisfied.

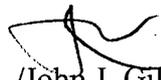
CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 1652 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁴) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



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

⁴ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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



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P.O. Box 1450
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Paper No.

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

MAILED
SEP 09 2011
OFFICE OF PETITIONS

In re Application of :
Sinquin et al. : DECISION ON PETITION
Application No. 11/963,340 :
Filed: December 21, 2007 :
Atty Docket No. T-6770 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed April 21, 2011.

The petition is **GRANTED**.

On April 1, 2010, 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, 2010. A courtesy Notice of Abandonment was mailed on January 6, 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 1771 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on April 21, 2011.

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

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is stylized with a large, looped initial "N" and a horizontal line extending from the end of the name.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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INTERNATIONAL BUSINESS MACHINES CORP
IP LAW
555 BAILEY AVENUE , J46/G4
SAN JOSE CA 95141

In re Application of
PAKNAD, DEIDRE et al. : JAN 05 2012
Application No.: 11/963,383 :
Filing or 371(c) Date: December 21, 2007 : DECISION ON
Attorney Docket No.: SVL920105407US1/1163-007 : PETITION

This is a decision on the Petition to Withdraw Holding of Abandonment received in the United States Patent and Trademark Office (USPTO) on December 20, 2011.

This petition is **GRANTED**.

The application was held abandoned for failure to timely submit the Issue Fee and Publication fee as required by the Notice of Allowance, mailed September 2, 2011 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on December 20, 2011.

Petitioner states that the issue fee transmittal and payment were timely filed via the Hand Delivery to USPTO on December 1, 2011. A copy of the letter which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all items listed thereon on the date stamped thereon by the USPTO.

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

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.
11/963,403	12/21/2007	Eugene M. Izhikevich	NSRF-01010US1	9938
23910	7590	03/04/2011	EXAMINER	
FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			GONZALES, VINCENT	
			ART UNIT	PAPER NUMBER
			2129	
			NOTIFICATION DATE	DELIVERY MODE
			03/04/2011	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OFFICEACTIONS@FDML.COM



FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO CA 94108

In re Application of:
Eugene Izhikevich
Application No. 11/963,403
Filed: December 21, 2007
For: SOLVING THE DISTAL REWARD
PROBLEM THROUGH LINKAGE OF
STDP AND DOPAMINE SIGNALING

**DECISION ON PETITION UNDER
37 C.F.R. 1.84(a)(2) TO ACCEPT
COLOR DRAWINGS**

This is a decision on the petition under 37 C.F.R. 1.84(a)(2), filed December 21, 2007 requesting acceptance of color drawings.

The petition requests that the color drawings, although not specifically identified but noted as, figures 1-4 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), 1 set 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 was filed with the required fee, 1 set of color drawings of Figures 1-4. The petition is accompanied by a proposed amendment to the specification to add the required notification described above.

The petition is **GRANTED**.

While there is evidence on record that at least one copy of the color drawings were filed electronically, it appears from the records that the file does not contain a set of color drawings. Applicant is requested to provide another copy of the color drawing to be stored as an artifact or the like for the record.

/Kakali Chaki/

Kakali Chaki
Quality Assurance Specialist
Technology Center 2100



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SCHOX PLC
500 3rd Street, Suite 515
San Francisco CA 94107

MAILED

SEP 03 2010

OFFICE OF PETITIONS

In re Application of :
John Pratt et al. :
Application No. 11/963,440 : **DECISION ON PETITION**
Filed: December 21, 2007 : **TO WITHDRAW**
Attorney Docket No. 20080162349 : **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 11, 2010.

The request is **APPROVED**.

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

The request was signed by Jeffrey Schox on behalf of all attorneys/agents associated with customer 49142. All attorneys/agents associated with customer number 49142 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: John Pratt
2002 A Guadalupe Street #170
Austin, TX 78705



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/963,440	12/21/2007	John Pratt	FUND-P01

CONFIRMATION NO. 1002

POWER OF ATTORNEY NOTICE

49142
SCHOX PLC
500 3rd Street, Suite 515
San Francisco, CA 94107



Date Mailed: 09/02/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/11/2010.

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

/kainabinet/

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



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

MAILED

MAR 22 2011

OFFICE OF PETITIONS

In re Application of :
Gerardo V. Noriega : **DECISION ON PETITION**
Application No. 11/963,447 : **TO WITHDRAW**
Filed: December 21, 2007 : **FROM RECORD**
Attorney Docket No. 020840-000310US :

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, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Kilpatrick Townsend & Stockton LLP does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Kilpatrick Townsend & Stockton LLP not having power of attorney. See MPEP §§ 601.03 and 405.

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

Currently, there is no outstanding Office action that requires a reply.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: CRAIG TAYLOR LAW OFFICE, PLLC
774 RANDY AVE.
SHOREVIEW MN 55126-2905

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11963447	
Filing Date	21-Dec-2007	
First Named Inventor	Gerardo Noriega	
Art Unit	3763	
Examiner Name	DIVA CHANDER	
Attorney Docket Number	030197.102PTUS	
Title	METHODS AND SYSTEMS FOR LOW FREQUENCY MECHANICAL TREATMENT OF THE PROSTATE	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32042
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4) 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Gerardo Noriega	
Address	477 Chesley Avenue	
City	Mountain View	
State	CA	
Postal Code	94040	

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Scott A. Chambers/
Name	Scott A. Chambers
Registration Number	37573



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Decision Date : February 13, 2012

In re Application of :

Gerardo Noriega

Application No : 11963447

Filed : 21-Dec-2007

Attorney Docket No : 030197.102PTUS

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 13, 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 correspondence address:

Name Gerardo Noriega
Name2
Address 1 477 Chesley Avenue
Address 2
City Mountain View
State CA
Postal Code 94040
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



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

MAILED

JUN 02 2011

OFFICE OF PETITIONS

In re Application of	:	
Richard R. Heuser et al.	:	
Application No. 11/963,460	:	DECISION ON PETITION
Filed: December 21, 2007	:	TO WITHDRAW
Attorney Docket No. HEU 315CIP6	:	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 Brad J. Loos or any attorneys/agents associated with Customer Number 20350 does not have power of attorney or was ever given power of attorney in this patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

A courtesy copy of this decision is being mailed to the address on the request. However, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Brad J. Loos
Kilpatrick Townsend & Stockton LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
APR 01 2011
OFFICE OF PETITIONS

In re Application of
Schlemmer et al.
Application No. 11/963,589
Filed: December 21, 2007
Attorney Docket No. NAI1P624/07.122.01

:
:
:
DECISION ON PETITION
TO WITHDRAW FROM RECORD
:
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 24, 2011.

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

A review of the file record indicates that on March 18, 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



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

MAILED
MAR 22 2011
OFFICE OF PETITIONS

In re Application of :
Hayden Shaw : DECISION ON PETITION
Application No. 11/963,678 :
Filed: December 21, 2007 :
Attorney Docket No. 16113-0404001 :

This is a decision on the "PETITION FOR CHANGE OF NAME OF INVENTOR UNDER 37 C.F.R. 1.182", filed February 11, 2011.

Applicant has requested to correct the name of inventor Hiyam Alshawi to Hayden Shaw. Applicant has included a statement from Shaw, explaining that he legally changed his name on July 7, 2009.

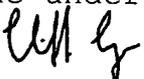
Accordingly, the request is **GRANTED**.

Office records have been changed to reflect the change in the inventor's name.

Petitioner submitted a petition fee of \$130. However, a petition under 37 CFR 1.182 requires a fee of \$400. Accordingly, \$270 has been charged to Deposit Account No. 06-1050, as authorized.

The application is being forwarded to the Office of Data Management.

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


Cliff Congo
Petitions Attorney
Office of Petitions



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FISH & RICHARDSON P.C. (TC)
PO BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED
SEP 27 2011
OFFICE OF PETITIONS

In re Patent No. 7,984,034 :
Issued: July 19, 2011 : DECISION ON PATENT TERM
Application No. 11/963,678 :
Filed: December 21, 2007 :
Atty. Dkt. No.: 16113-0404001 :

This is a decision on the application for patent term adjustment filed September 16, 2011 requesting that the patent term adjustment be increased from 340 days to 475 days.

The request for reconsideration of the patent term adjustment (PTA) pursuant to 37 CFR 1.705(d) is **DISMISSED**.

The above-identified application matured into U.S. Pat. No. 7,984,034 on July 16, 2011. The patent issued with a patent term adjustment of 340 days. The instant application for patent term adjustment was timely filed in accordance with 37 CFR 1.705(d).

Patentees contest the adjustment of 51 days of "B delay" and assert that the correct period of adjustment in this regard is 186 days. Patentees' arguments have been carefully considered, but are not found persuasive.

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

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

37 CFR 1.702(b) states in relevant part:

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

37 CFR 1.703(b) states in relevant part:

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

Accordingly, in the instant matter, and in compliance with the provisions of law and rules set forth above, the period of adjustment under § 1.702(b) is 51 days, the period from February 11, 2011, the date that the RCE was filed, to July 19, 2011, the date that the patent issued, being excluded from the period of adjustment under 37 CFR 1.702(b).

In view thereof, no adjustment to the patent term will be made.

Receipt is hereby acknowledged of the required \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 20 2011

OFFICE OF PETITIONS

FISH & RICHARDSON P.C. (TC)
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Patent No. 7,984,034 :
Issued: July 19, 2011 : DECISION ON REQUEST FOR
Application No. 11/963,678 : RECONSIDERATION OF
Filing or 371(c) Date: December 21, 2007 : PATENT TERM ADJUSTMENT
Atty. Dkt. No.: 16113-0404001 :

This is a decision on the request for reconsideration of decision mailed September 27, 2011 with respect to the application for patent term adjustment under 37 CFR 1.704(d) filed September 16, 2011. This request, filed November 28, 2011, is deemed timely filed within the meaning of 37 CFR 1.181(f).

RELEVANT BACKGROUND

Patentees request that a decision on this request for reconsideration of patent term adjustment be deferred or delayed until after a final decision has been rendered in Abbott Biotherapeutics Corp v. Kappos, 1:2010cv01853 (D.D.C. 2010).

The request is hereby **DENIED**.

The above-identified application matured into U.S. Patent No. 7,984,034 on July 19, 2011 with a revised patent term adjustment of 340 days. On September 27, 2011, a decision on patentees' application for patent term adjustment under 37 CFR 1.705(d), filed September 16, 2011, was mailed. The decision under 37 CFR 1.705(d) mailed September 27, 2011 dismissed patentees' request for increase in patent term adjustment from 340 days to 475 days.

Patentees herein request that the patent term adjustment for the above-identified patent be increased from 340 days to 475 days (380 days pursuant to 37 CFR 1.703(a) plus 186 days pursuant to 37 CFR 1.703(b) less 91 days of applicant delay pursuant to 37 CFR 1.704(b)).

Patentees maintain that the Office incorrectly calculated Office delay pursuant to 37 CFR 1.702(b). Patentees contend 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, patentees argue that subsequent to the filing of the request for continued examination on February 11, 2011, examination of the application closed on March 7, 2011, the date upon which the Notice of Allowance was mailed. Thus, patentees argue that no continued examination took place during the 135 day period from March 7, 2011 (the mailing date of the Notice of

Allowance) until July 19, 2011 (the date the patent was issued). As such, patentees maintain that the "B delay" should include the 135 days and be increased from 51 days to 135 days. Thus, patentees conclude that the correct patent term adjustment is 475 days (380 days pursuant to 37 CFR 1.703(a) plus 186 days pursuant to 37 CFR 1.703(b) less 91 days of applicant delay pursuant to 37 CFR 1.704(b)).

RELEVANT STATUTES

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.

DECISION

Patentees' 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 51 days based on the application having been filed under 35 USC 111(a) on December 21, 2007 and the patent not having issued as of December 22, 2010, the day after the date that is three years after the date that the application was filed, and a request for continued examination under 132(b) having been filed on February 11, 2011. In other words; the 135-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.

¹ Pursuant to 35 U.S.C. 132(b), 37 CFR 1.114 provides for continued examination of an application, as follows:

- (a) If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:
 - (1) Payment of the issue fee, unless a petition under § 1.313 is granted;
 - (2) Abandonment of the application; or
 - (3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.
- (b) Prosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application.

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

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

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

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

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

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

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

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.

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 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 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). 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).

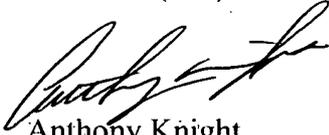
³ Note, on occasion, even where a request for continued examination has already been filed and a notice of allowance issued pursuant to that request, applicant may file a further request for continued examination.

CONCLUSION

For the above-stated reasons; a review of the petition and file wrapper of the above-identified patent reveals that the above-identified patent is not entitled to a patent term extension or adjustment of 475 days. Therefore, the petition to change the patent term adjustment indicated on the above-identified patent to 475 days is DENIED.

This decision may be viewed as final agency action. See, MPEP 1002.02(b).

Telephone inquiries specific to this matter should be directed to Attorney Advisor Alesia M. Brown at (571) 272-3205.



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

STEVENS LAW GROUP
1754 TECHNOLOGY DRIVE
SUITE #226
SAN JOSE, CA 95110

MAILED

JAN 18 2011

In re Application of
Alexander Bronstein et al.
Application No. 11/963,705
Filed: December 21, 2007
Attorney Docket No.: NOVA-00100

**OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

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

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request is filed by David R. Stevens on behalf of all the practitioners of record.

The Office no longer accepts an address change to the new practitioner identified in the request, absent the filing of a power of attorney to the new representative. The Office will, however, change the correspondence address of record to the most current address provided for (1) the intervening assignee of the entire interest or (2) the first named inventor.

The request to withdraw from record cannot be approved at this time, since a correspondence address provided is not the intervening assignee of the entire interest or the first named inventor.

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 571-272-3210. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.


Irvin Dingle
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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STEVENS LAW GROUP
1754 TECHNOLOGY DRIVE
SUITE #226
SAN JOSE, CA 95110

MAILED

FEB 22 2011

In re Application of	:	OFFICE OF PETITIONS
Alexander Bronstein et al	:	
Application No. 11/963,705	:	DECISION ON PETITION
Filed: December 21, 2007	:	TO WITHDRAW
Attorney Docket No. NOVA-00100	:	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 20, 2011.

The request is **APPROVED**.

The request was signed by David R. Stevens on behalf of all of the practitioners of record.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to assignee Novafora, Inc. 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: Novafora, Inc.
2460 N. 1st St., Suite 200
San Jose, CA 95131



UNITED STATES PATENT AND TRADEMARK 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
11/963,705	12/21/2007	Alexander Bronstein	NOVA-00100

CONFIRMATION NO. 1521

POWER OF ATTORNEY NOTICE



34051
Stevens Law Group
1754 Technology Drive
Suite #226
San Jose, CA 95110

Date Mailed: 02/22/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/20/2011.

- 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.

/s/ idingle/

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



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/963,705	12/21/2007	Alexander Bronstein	NOVA-00100

Novafora, Inc.
2460 N. 1st St., Suite 200
San Jose, CA 95131

CONFIRMATION NO. 1521
POA ACCEPTANCE LETTER



OC000000046023775

Date Mailed: 02/22/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/20/2011.

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.

/i dingle/

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

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11963706	
Filing Date	21-Dec-2007	
First Named Inventor	DAVID HARRIS	
Art Unit	3781	
Examiner Name	JAMES SMALLEY	
Attorney Docket Number	HARR1914	
Title	Structure for Storing Perishable Liquid	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		49927
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	David R. Harris	
Address	14485 Brown Ln.	
City	Burson	
State	CA	
Postal Code	95225-0443	
Country	US	

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

Signature	/Douglas Chaikin/
Name	Douglas Chaikin
Registration Number	29140



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : June 7,2011

In re Application of:

DAVID HARRIS

Application No : 11963706

Filed : 21-Dec-2007

Attorney Docket No : HARR1914

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 June 7,2011

The request is **APPROVED**.

The request was signed by Douglas Chaikin (registration no. 29140) on behalf of all attorneys/agents associated with Customer Number 49927 . All attorneys/agents associated with Customer Number 49927 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 David R. Harris
Name2
Address 1 14485 Brown Ln.
Address 2
City Burson
State CA
Postal Code 95225-0443
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



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/963,892	12/24/2007	E. Craig JOWETT	268-71US	1877
23716	7590	09/21/2010	EXAMINER	
ANTHONY ASQUITH 28-461 COLUMBIA STREET WEST WATERLOO, ON N2T 2P5 CANADA			UPTON, CHRISTOPHER	
			ART UNIT	PAPER NUMBER
			1797	
			MAIL DATE	DELIVERY MODE
			09/21/2010	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.



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

SEP 21 2010

wk

Mailed:
In re application of :
Jowett : DECISION ON
Serial No. 11/963,892 : PETITION
Filed: December 24, 2007 :
For: WATER TREATMENT SYSTEM INCLUDING
FOAM BLOCK :

This is a response to Applicants submission filed July 6, 2010. Applicants request withdrawal of the Notice of Non-Compliance mailed June 15, 2010 or alternatively to treat Applicants request as a Petition.

The Examiner initially identified 4 distinct species in the Office Action mailed on June 25, 2009. Applicant replied on July 23, 2009, traversing the requirement and elected a species that was not specified by the Examiner. The response was found to not be fully responsive because Applicant did not elect a species or stated that the species were not patentably distinct. Applicant was given one month or thirty days to respond. Applicant's second response on October 8, 2009 was not responsive because Applicant again failed to elect one of the species identified by the Examiner or state that the species are not patentably distinct from each other.

Applicant asserts that the distinct species identified by the Examiner is not correct because the four species were identified as claims. Claims are definitions or descriptions of inventions. Claims themselves are never species. The scope of a claim may be limited to a single disclosed embodiment (i.e., a single species, and thus be designated a *specific species claim*). Alternatively, a claim may encompass two or more of the disclosed embodiments (and thus be designated a generic or genus claim). The Examiner did not just identify the claims as species but also identified an embodiment associated with the claims.

If the Applicant disagrees with the requirement for restriction, he may request reconsideration and withdrawal or modification of the requirement, giving the reasons therefor. In requesting reconsideration the Applicant must indicate a provisional election of one invention for prosecution, which invention shall be the one elected in the event the requirement becomes final. The requirement for restriction will be reconsidered on such a request. If the requirement is repeated and made final, the Examiner will at the same time act on the claims to the invention elected.

Since Applicant has not made a specific election of species that was specified by the Examiner, the reply of October 8, 2009 is not fully responsive. The restriction requirement cannot be made final until Applicant makes an election specified by the Examiner. Applicant cannot petition the restriction request until the requirement is made final.

DECISION

The petition is **DISMISSED**.

/W. GARY JONES/
W. Gary Jones, Director
Technology Center 1700
Chemical and Materials Engineering

ANTHONY ASQUITH
28-461 COLUMBIA STREET WEST
WATERLOO ON N2T 2P5 CA CANADA



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TASER INTERNATIONAL, INC.
17800 N. 85TH STREET
SCOTTSDALE, AZ 85255-9603

MAILED

FEB 14 2011

In re Application of: :
Magne H. Nerheim :
Application No. 11/963,950 : **OFFICE OF PETITIONS**
Filed: December 24, 2007 : **DECISION ON PETITION**
Attorney Docket No. 101.00229 :

This is a decision on the petition, filed February 1, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application. Alternatively, petitioner also seeks a petition under the unintentional provisions of 37 CFR 1.137(b), filed April 14, 2010.

The petition under 1.181 is **DISMISSED**.

This application was held abandoned for failure to reply to the Notice of Allowance and Fee(s) Due (Notice) mailed August 21, 2009, which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed on December 9, 2009.

Petitioner asserts that a response to the Notice of Allowance and Fee(s) Due was filed on July 29, 2009, which included the following papers: a Request for Continued Examination (RCE) and an Information Disclosure Statement (IDS). To support this assertion the petitioner provided a copy of the previously filed Transmittal Letter which includes a certificate of mailing date of July 29, 2009.

A review of the file record indicates that the Office in fact receive the response submitted July 29, 2009. On August 21, 2009, the Office mailed a new Notice of Allowance and Fee(s) Due. As no response was submitted to the new Notice the abandonment is proper and therefore, the petition requesting withdrawal of the holding of abandonment cannot be granted.

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

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

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

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

/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

JEROME D. JACKSON
(JACKSON PATENT LAW OFFICE)
211 N. UNION STREET, SUITE 100
ALEXANDRIA VA 22314

MAILED
JAN 19 2011
OFFICE OF PETITIONS

In re Application of :
RANDAZZA, Joseph R. :
Application No. 11/963,998 :
Filed: December 24, 2007 :
Attorney Docket No. **167.023-01** :
: **DECISION ON PETITION**
: **TO WITHDRAW**
: **FROM RECORD**
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 17, 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 Jerome D. Jackson on behalf of all attorneys of record who are associated with customer No. 38245. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

There are no outstanding Office actions at this time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.



Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **JOSEPH R. RANDAZZA**
NATIONAL PAYMENT CARD
4171 W. HILLSBORO BLVD.
SUITE 5
COCONUT CREEK, FL 33073



UNITED STATES 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 3,2011

In re Application of :

Charles Chuang

Application No : 11964039

Filed : 25-Dec-2007

Attorney Docket No : 060403.000047

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 3,2011

The request is **APPROVED**.

The request was signed by Aaron Wininger (registration no. 45229) on behalf of all attorneys/agents associated with Customer Number 70416 . All attorneys/agents associated with Customer Number 70416 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 nlighten Technologies
Name2
Address 1 1515 Gu Mei Road,
Address 2 Building 17, Xuhui District
City Shanghai
State
Postal Code
Country CN

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

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

Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11964039	
Filing Date	25-Dec-2007	
First Named Inventor	Charles Chuang	
Art Unit	3635	
Examiner Name	ELIZABETH PLUMMER	
Attorney Docket Number	060403.000047	
Title	Modular in wall display system and method	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		70416
The reason(s) for this request are those described in 37 CFR:		
10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	nlighten Technologies	
Address	1515 Gu Mei Road, Building 17, Xuhui District	
City	Shanghai	
State		
Postal Code		
Country	CN	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Aaron Winger/
Name	Aaron Winger
Registration Number	45229



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**BRINKS HOFER GILSON & LIONE/SanDisk
P.O. BOX 10395
CHICAGO IL 60610**

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of :
Robert Khedouri, et al. :
Application No. 11/964,107 : DECISION GRANTING PETITION
Filed: December 26, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 10519/956 (MGA-0001- :
1-III :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, September 24, 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 1, 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 2618 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04-19-11

TO SPE OF : ART UNIT 2618

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/964107 Patent No.: 7881656

CofC mailroom date: 04-12-11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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



Angela Green
Certificates of Correction Branch
(703) 756-1541

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

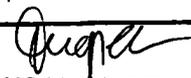
Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: No New Matter

SPE


DUC M. NGUYEN

Art Unit 2618



UNITED STATES 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
SEP 02 2011
OFFICE OF PETITIONS

In re Application of :
Hidekazu Oohashi :
Application No. 11/964,125 : DECISION GRANTING PETITION
Filed: December 26, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. Q105017 :

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 1, 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 1722 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

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

MAILED

JUN 10 2011

OFFICE OF PETITIONS

In re Patent No. 7,872,356 :
Issue Date: January 18, 2011 :
Application No. 11/964,188 :
Filed: December 26, 2007 :
Attorney Docket No. 061271 :

DECISION ON PETITION

This is a decision on the Request For Grant Of 3.81(b) Petition and Request For Certificate Of Correction, filed January 31, 2011, requesting correction on the Title Page of the subject patent to correct inventors' names. The request is being treated as a Petition Under 37 CFR §3.81(b). A completed Certificate of Correction Form (PTO/SB/44) was submitted with petition

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

Petitioner requests that the present Petition was submitted to correct inventors' names and such error was a typographical error. Accordingly, petitioner requests that a Certificate of Correction be issued to correct inventors' 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), has been submitted. However, the \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), was not charged at the time petition was submitted. As such, since the petition was accompanied deposit account authorization to charge the processing fee, the fee has been charged as authorized.

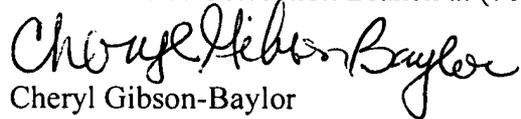
U.S. Patent No. 7,872,356
Application No. 11/964,188
Decision on Petition under 37 CFR §3.81(b)

Page 2

After further review of the Office records, a corrected Certificate of Correction was previously signed and sealed on March 8, 2011. (copy enclosed)

Inquiries related this communication should be directed to Cheryl Gibson-Baylor 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.



Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,872,356 B2
APPLICATION NO. : 11/964188
DATED : January 18, 2011
INVENTOR(S) : Henry Sanchez and Laxminarayan Sharma

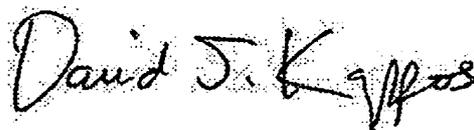
Page 1 of 1

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

On the Title Page, Item (75), Inventor "Hen Sanchez" should be listed as "Henry Sanchez." Therefore, Title Page, Item (75) should be listed as follows:

Item (75) Inventors: Henry Sanchez, Carlsbad, CA (US);
Laxminarayan Sharma, San Diego, CA (US)

Signed and Sealed this
Eighth Day of March, 2011



David J. Kappos
Director of the United States Patent and Trademark Office

Docket No. 061271
Application No. 11/964,188
Filed: 12/26/2007

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. 7,872,356)	
)	For: Die Stacking System and Method
Issued: Jan. 18, 2011)	
)	
Application No: 11/964,188)	Assignee: QUALCOMM Inc.
)	
Filed: Dec. 26, 2007)	

REQUEST FOR CERTIFICATE OF CORRECTION

Attn: Decision and Certificate of Correction
Branch of the Patent Issue Division

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

Dear Sir:

It is noted that an error appears in this patent of a typographical nature, as more fully described below. Correction thereof does not involve such changes in the patent as would constitute new matter or would require re-examination.

At the time of filing of the application a "Combined Declaration/Power of Attorney" and an Application Data Sheet were filed on December 26, 2007. The inventors name was correctly listed on the Declaration, however was incorrectly listed on the Application Data Sheet. The Notice of Allowance as well as the Issue Fee Payment had the inventor's name listed correctly. When the Patent issued the inventors name was listed incorrectly, as listed on the Application Data sheet, and therefore attached is Form PTO/SB/44 to correct the typographical error.

Docket No. 061271
Application No. 11/964,188
Filed: 12/26/2007

The exact page and line number where the error occurs in the issued patent are:

Title Page, Item (75), Inventor "Hen Sanchez" should be listed as "Henry Sanchez."

Please send the Certificate of Correction to:

Qualcomm Incorporated
5775 Morehouse Drive
San Diego, California 92121

Applicants hereby request a Certificate of Correction under 37 CFR 1.323 accompanied by the fee set forth in 37 CFR 1.20(a). Please charge any other fees that may be due with this response or credit any overpayments to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: January 27, 2011

By: /Sam Talpalatsky /
Sam Talpalatsky, Reg No. 35380
858-845-3737

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502



UNITED STATES PATENT AND TRADEMARK 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.
11/964,251	12/26/2007	Gen Fujii	0553-0653	1499
24628	7590	04/12/2011	EXAMINER	
Husch Blackwell LLP Husch Blackwell Sanders LLP Welsh & Katz 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			DOAN, NGHIA M	
			ART UNIT	PAPER NUMBER
			2825	
			MAIL DATE	DELIVERY MODE
			04/12/2011	PAPER

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110409

DATE : April 08, 2011

TO SPE OF : ART UNIT 2825

SUBJECT : Request for Certificate of Correction on Patent No.: 7,827,521

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

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

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

Thank You For Your Assistance

Certificates of Correction Branch

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

Note your decision on the appropriated box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments:

The part as listed below is denied because there is insufficient antecedent basic.

In the Claims:

-- claim 6, column 20, line 6, after "a droplet in" deletes "the" and insert --a--;

/JACK CHIANG/
Supervisory Patent Examiner.Art Unit 2825



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 11/964,342, 12/26/2007, Jim C. Zandt, UT12202007, 1643

7590 09/22/2010
LAW OFFICE OF PHILIP A STEINER
1212 MARSH STREET
SUITE 3
SAN LUIS OBISPO, CA 93401

EXAMINER

NOVOSAD, JENNIFER ELEANORE

ART UNIT PAPER NUMBER

3637

MAIL DATE DELIVERY MODE

09/22/2010

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. [X] 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 (handwritten signature)

Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/964,454	12/26/2007	Hideaki TSUBAKI	Q105016	1852
65565	7590	09/29/2010	EXAMINER	
SUGHRUE-265550			EOFF, ANCA	
2100 PENNSYLVANIA AVE. NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20037-3213			1795	
			NOTIFICATION DATE	DELIVERY MODE
			09/29/2010	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):

SUGHRUE265550@SUGHRUE.COM
USPTO@SUGHRUE.COM
PPROCESSING@SUGHRUE.COM



UNITED STATES PATENT AND TRADEMARK OFFICE

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

CST

September 28, 2010

In re application of	:	DECISION ON REQUEST TO
Hideaki Tsubaki et al	:	PARTICIPATE IN PATENT
Serial No. 11/964,454	:	PROSECUTION HIGHWAY
Filed: December 26, 2007	:	PROGRAM AND
For: PATTERN FORMING METHOD,	:	PETITION TO MAKE SPECIAL
RESIST COMPOSITION FOR	:	UNDER 37 CFR 1.102(a)
MULTIPLE DEVELOPMENT	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program filed July 28, 2010.

The request and petition are **DISMISSED** as moot. Specifically, a non-final Office Action was mailed in this application on September 13, 2010.

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 JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority 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 to obtain a copy from 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), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(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;

Application No. 11/964,454

- (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 claims(s) or
 - ii. if the allowable/patentable claim(s) are from "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 is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of 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 if applicable; and
 - 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 documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

The request to participate in the PPH pilot program and petition fail because:

- (4) Examination of the U.S. application has begun. Specifically, note that a non-final Office Action was mailed in this application on September 13, 2010.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

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>.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
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

CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP
STEVEN M. GREENBERG
950 PENINSULA CORPORATE CIRCLE
SUITE 2022
BOCA RATON FL 33487

MAILED

SEP 07 2010

OFFICE OF PETITIONS

In re Application of :
Frances E. Del Rosario, et al. :
Application No. 11/964,480 : **DECISION ON PETITION**
Filed: December 26, 2007 :
Attorney Docket No. RPS920070198US1 :
(103) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 3, 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 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 \$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 3627 for appropriate action by the Examiner in the normal course of business on the reply received.

A handwritten signature in cursive script that reads "Terri Johnson".

Terri Johnson
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 03/15/12

TO SPE OF : ART UNIT: 3718 Attn: VO PETER DUNG (PETER) B (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/964498 Patent No.: 8083581

CofC mailroom date: 02/28/2012

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 these amended claims **Tasneem Siddiqui
Should they be amended again as requested or not _____ 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: _____

**PETER VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700**

3718

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

SYLKE LAW OFFICES, LLC
756 N. MILWAUKEE STREET
SUITE 210
MILWAUKEE WI 53202

MAILED

JUN 07 2011

In re Application of : **OFFICE OF PETITIONS**
ASHRAF et al :
Application No. 11/964,606 : DECISION ON PETITION
Filed: December 26, 2007 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 0301-p03 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed May 11, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of a prior-filed provisional application.

The petition is **DISMISSED AS MOOT**.

Petitioner filed concurrently with the filing of the instant application a benefit claim under 35 U.S.C. §119(e) to application Serial No. 60/871,609, filed December 22, 2006.

MPEP 201.11 (II)(A) states:

If the day that is 12 months after the filing date of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, the nonprovisional application may be filed on the next succeeding business day. See 35 U.S.C. 21(b), 37 CFR 1.7(b), and MPEP § 201.04(b) and § 505.

The USPTO observed Monday, December 24, 2007 as a "Federal holiday within the District of Columbia." See Closing of the United States Patent and Trademark Office on Monday, December 24, 2007, 1326 *OG* 101, January 8, 2008. As December 22, 2007 was a Saturday the next succeeding business day was December 26, 2007. Accordingly, the instant application is entitled to benefit under 35 U.S.C. §119(e) of application Serial No. 60/871,609, filed December 22, 2006.

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

In regards to the \$1410.00 petition fee charged, petitioner's credit card will be refunded in due course.

Any inquiries concerning this decision may be directed to Jose' G Dees at (571) 272-1569. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 3617 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.



David Bucchi
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
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Alexandria, Virginia 22313-1450
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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/964,606, 12/26/2007, 3617, 705, 0301-p03, 24, 4

CONFIRMATION NO. 2090

CORRECTED FILING RECEIPT



36171
SYLKE LAW OFFICES, LLC
756 N. MILWAUKEE STREET
SUITE 210
MILWAUKEE, WI 53202

Date Mailed: 05/26/2011

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)

Ahtasham Ashraf, Madison, WI;
David Baldwin, Madison, WI;

Assignment For Published Patent Application

Central Signal, LLC, Madison, WI

Power of Attorney: The patent practitioners associated with Customer Number 36171

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/884,930 01/15/2007
and claims benefit of 60/871,609 12/22/2006

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

If Required, Foreign Filing License Granted: 01/18/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/964,606

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

VITAL SOLID STATE CONTROLLER

Preliminary Class

246

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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



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The Grafe Law Office, P.C.
P.O. Box 2689
Corrales NM 87048

MAILED

APR 11 2011

In re Application of : **OFFICE OF PETITIONS**
Johnson, et al. :
Application No. 11/964,675 : DECISION ON PETITION
Filed: December 26, 2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 00058.06044 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 22, 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.

Examiner Evoy has indicated that the proposed amendment to claim priority raises new issues that would require further consideration and/or search. Since a final Office action was mailed on December 27, 2010, the Office requires the submission of a Request for Continued Examination (RCE) as a pre-condition for acceptance of the late claim for priority.

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and a RCE accompanied by the \$410.00. small entity fee 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

By internet: EFS-Web
 www.uspto.gov/ebs/efs_help.html
 (for help using EFS-Web call the
 Patent Electronic Business Center
 at (866) 217-9197)

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


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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Commissioner for Patents
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P.O. Box 2689
Corrales NM 87048

MAILED

MAY 06 2011

OFFICE OF PETITIONS

In re Application of :
Johnson, et al. :
Application No. 11/964,675 : DECISION ON PETITION
Filed: December 26, 2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 00058.06044 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed April 18, 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.

As a courtesy, applicants are informed that an extension of time is required to make the April 18, 2011 reply to the December 27, 2010 final Office action timely filed, since the final Office action set a three (3) month extendable period for reply. The petition decision mailed April 11, 2011 did not change the period for reply that was set forth in the December 27, 2010 final Office action. It is in applicants' best interests to submit the appropriate extension of time fee as soon as possible, as an extension of time must cover the period up to the date the extension is filed.

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 3768 for consideration by the examiner of applicants' 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



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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/964,675, 12/26/2007, 3768, 435, 00058.06044, 20, 1

CONFIRMATION NO. 2219

CORRECTED FILING RECEIPT



93435
The Grafe Law Office, P.C.
P.O. Box 2689
Corrales, NM 87048

Date Mailed: 05/04/2011

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)

Robert D. Johnson, Federal Way, WA;
Marwood Neal Ediger, Albuquerque, NM;
John D. Maynard, Albuquerque, NM;

Power of Attorney:

Victor Grafe--42599

Domestic Priority data as claimed by applicant

This application is a CIP of 11/624,214 01/17/2007
which claims benefit of 60/781,638 03/10/2006
and is a CIP of 11/561,380 11/17/2006
which is a CON of 10/972,173 10/22/2004 PAT 7,139,598
which is a CIP of 10/116,272 04/04/2002 PAT 7,043,288
and claims benefit of 60/515,343 10/28/2003
and claims benefit of 60/517,418 11/04/2003
This application 11/964,675
is a CIP of 10/852,415 05/24/2004 PAT 7,403,804
which is a CIP of 10/281,576 10/28/2002 PAT 7,202,091
which is a CIP of 09/832,608 04/11/2001 PAT 6,983,176
and said 10/852,415 05/24/2004
is a CIP of 10/378,237 03/03/2003 PAT 6,865,408
which is a CIP of 09/832,585 04/11/2001 PAT 6,574,490
and is a CIP of 10/281,576 10/28/2002 PAT 7,202,091
and said 10/852,415 05/24/2004
is a CIP of 10/753,506 01/08/2004 PAT 7,016,713

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

If Required, Foreign Filing License Granted: 01/18/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/964,675**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Method and Apparatus for Determination of a Measure of a Glycation End-Product or Disease State Using Tissue Fluorescence

Preliminary Class

600

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative,

this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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

GRANTED

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

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

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

NOT GRANTED

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Patent No. : 8017695
Ser. No. : 11/964848
Inventor(s) : LUO, STEVEN
Issued : 09/13/2011
Title : METHOD FOR PRODUCING FUNCTIONALIZED CIS-1,4-POLYDIENES HAVING HIGH CIS-1,4-LINKAGE CONTENT AND HIGH FUNCTIONALITY
Docket No. : P05062US2A

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

Bridgestone Americas Holding, Inc.
I.P. Department
1200 Firestone Parkway
Akron OH 44317-0001

OL



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Alexandria, VA 22313-1450
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SEAGER, TUFTE & WICKHEM, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS, MN 55403-2420

MAILED

APR 25 2011

OFFICE OF PETITIONS

In re Application of :
Lincoln Eramo Jr. et al : DECISION REFUSING STATUS
Application No. 11/964,908 : UNDER 37 CFR 1.47(a)
Filed: December 27, 2007 :
Attorney Docket No. 1001.1926101 :

This is in response to the petition under 37 CFR 1.47(a), filed July 14, 2008.

The petition is **DISMISSED**.

Rule 47 applicant is 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 below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** 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 inventor 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. Applicant lacks item (1) set forth above.

As to item (1), the applicable statute (35 U.S.C. § 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. See MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventor James Campbell, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate non-signing inventor Campbell. In this regard, petitioner should, at the very least, conduct a search of the

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


David Bucc
Petitions Examiner
Office of Petitions



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1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS MN 55403-2420

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In re Application of :
Lincoln Eramo Jr. et al : **DECISION REFUSING STATUS**
Application No. 11/964,908 : **UNDER 37 CFR 1.47(a)**
Filed: December 27, 2007 :
Attorney Docket No. 1001.1926101 :

This is a decision on the petition filed, October 12, 2011, requesting reconsideration of a decision mailed April 25, 2011, which refused to accord 37 CFR 1.47(a) status to the above-identified application.

The petition is **dismissed**.

Rule 47 applicant is 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 below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** 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 inventor 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. Applicant lack item (2) set forth above.

As to item (2), the declaration is defective since it is not in compliance with 37 CFR 1.63. Since individual declarations were executed, they must be submitted as individual declarations rather than combined into one declaration. MPEP 201.03 B states,

An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

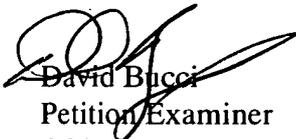
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David Bucci
Petition Examiner
Office of Petitions



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1621 EUCLID AVENUE
CLEVELAND OH 44115-2191

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OFFICE OF PETITIONS

In re Application of :
David Paul Jones : DECISION REFUSING STATUS
Application Number: 11/964962 : UNDER 37 CFR 1.47(b)
Filing Date: 12/27/2007 :
Attorney Docket Number: :
EPCLP0125US :

This is a decision in response to the petition under 37 CFR 1.47(b) filed on July 24, 2008.

The Office apologizes for the delay in responding to the present petition.

The petition is **DISMISSED**.

Rule 47 applicant is 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(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor.

FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.

Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on December 27, 2007, without an executed oath or declaration. Accordingly, on January 24, 2008, 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. A substitute specification in compliance with 37 CFR 1.52, 1.121(b), and 1.125 was also required, along with the statutory basic filing fee, late-filing surcharge, application search and examination fees, and additional claim fee(s). A two (2) month period for reply was set.

In response, on July 24, 2008, petitioner filed the present petition, surcharge, and petition fee. Payment for a four (4)-month extension of time was also submitted, along with the application filing, search, and examination fee, and a substitute specification.

Petitioner asserts, via the declaration of John Christopher Taylor, that sole inventor David Paul Jones was sent a copy of the application, but has failed to sign and return the declaration.

Petitioner further asserts that Intelligent Sensors PLC, the previous employer of the non-signing inventor was the owner of International Application No. PCT/GB2006/050169. Petitioner asserts that Intelligent Sensors PLC was liquidated and ENSCO 619, now CareAngel Limited, acquired its assets.

A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor 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;
- (4) a statement of the last known address of the non-signing inventor;
- (5) proof of proprietary interest, and
- (6) proof of irreparable damage.

The petition lacks items (2) and (5).

With regard to item (2), the declaration is not acceptable because it has not been properly signed on behalf of the Rule 1.47(b) applicant. The declaration must be signed by an officer of the corporation (president, vice president, secretary, treasurer, or Chief Executive Officer) on behalf of and as agent for the non-signing inventor. The Officer must identify his or her title in the Declaration. If the Declaration is not signed by an officer of the corporation, then proof of the authority of the person signing on behalf of the corporation must be submitted. See MPEP 409.03(b).

The declaration is not acceptable because it has been signed in the signature block for the non-signing inventor by John Christopher Taylor. Further, Mr. Taylor has not identified his title.

The signature block for the non-signing inventor must be left blank, and a separate signature block including the name and title of the person signing on behalf of the Rule 1.47(b) applicant must be included on the declaration, signed by the person signing on behalf of the Rule 1.47(b) applicant.

A new oath or declaration, signed on behalf of the non-signing inventor by the Rule 47(b) applicant, must be supplied with any renewed petition under 37 CFR 1.47(b).

As to item (5), petitioners have not shown proof of proprietary interest in the subject matter to justify the filing of the application. MPEP 409.03(f).

At the outset, there is no showing that Intelligent Sensors PLC had a proprietary interest in the invention.

Acceptable proof would include a copy of an assignment of the invention by the inventor to the Rule 47(b) applicant; a copy of proof that the inventor has agreed in writing to assign the invention to the applicant, or a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to the Rule 47(b) applicant.¹

Further, the showing of record does not support a conclusion that ENSCO 619 Limited obtained the rights to the invention from Intelligent Sensors, PLC. In this regard, the "Assignment of Patent Applications" filed with the subject petition does not list the subject U.S. application as one of the applications covered by the assignment from Intelligent Sensors PLC to ENSCO 619 Limited.

Lastly, petitioners should provide evidence of the change of name from ENSCO 619 to CareAngel Limited.

It is further noted that the petition states that a copy of the letter from Timothy J. Powell to non-signing inventor David Paul Jones, transmitting the application papers, as well as proof of deliver of said letter, has been included with the petition. A review of the papers filed with petition, however, reveals that no copy of the letter is included. A copy of the letter should be provided with any renewed petition.

¹ See MPEP 409.03(f).

The petition fee of \$200.00 will be charged to counsel's deposit account as authorized in the subject petition.

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

By mail: Mail Stop Petition
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 Alexandria, VA 22134

A reply may also be filed using the EFS-Web system of the USPTO.

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



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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MINNEAPOLIS MN 55440-1022

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In re Patent No. 8,080,055 :
Atanasoska et al. : DECISION ON
Issue Date: December 20, 2011 : REQUEST FOR
Application No. 11/964,969 : RECONSIDERATION OF
Filed: December 27, 2007 : PATENT TERM ADJUSTMENT
Attorney Docket No. 10527-718001 :
/ 05-01512 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(d)," filed February 21, 2012, requesting that the patent term adjustment determination for the above-identified patent be changed from three hundred and seventy-eight (378) days to four hundred and twenty-three (423) 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 two (302) days is **GRANTED to the extent indicated herein.**

BACKGROUND

On December 20, 2011, the above-identified application matured into US Patent No. 8,080,055 with a patent term adjustment of 378 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent.¹ 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 three calculations:

¹ It is noted that February 20, 2012 fell on a federal holiday.

1. Patentee asserts that one reduction was made for an improper number of days;
2. Patentee asserts that one additional reduction is warranted, and;
3. 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 calculation that is in dispute:

Patentee disputes the period of reduction of nine day entered for applicant delay, pursuant to 35 U.S.C. § 154(b)(2)(C) and 37 CFR 1.704(b), and asserts that this reduction should total seven days. The Office agrees. Accordingly, the period of reduction of nine days is being removed and a reduction of seven days is being entered.

Regarding the second calculation that is in dispute:

Patentee disputes the failure to accord a reduction of 78 days for applicant delay, pursuant to 35 U.S.C. § 154(b)(2)(C) and 37 CFR 1.704(c)(8), due to the submission of a supplemental response on August 11, 2011. The Office agrees that a reduction of 78 days is warranted. Accordingly, a period of reduction of 78 days is being entered.

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, the over three-year period begins on December 28, 2010 and ends on January 30, 2011, the day before the first RCE was filed, which amounts to 34 days.

Patentee argues that the 120-day² period between the mailing of the notice of allowance on August 22, 2011 and the issuance of the patent on December 20, 2011 should be included in the period of B-delay, as this time "was not consumed by continued

² Patentee has miscalculated this period to constitute 121 days.

examination of the application."³ As such, Patentee argues that the over three-year period begins on December 28, 2010, pauses on January 31, 2011 (the day of the filing of the RCE), restarts on August 22, 2011 with the mailing of the notice of allowance, and ends on December 20, 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"⁴ 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

³ Petition, page 3.

⁴ Id.

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)⁵. Clause (i) specifies "any time consumed by continued examination of the application requested by the applicant under section 132(b)." Clause (ii) specifies "any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court." "Time" in the context of this legislation throughout refers to days. "Consumed by" means used by or used in the course of. *Websters Collegiate Dictionary*, (11th ed.). The "any" signifies that the days consumed by are "any" of the days in the pendency of the application, and not just days that occur after the application has been pending for 3 years. As such, "any time consumed by" refers to any days used in the course of 1) continued examination of the application under section 132(b) (the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus,

⁵ Clause (iii) provides for not including (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued. It is noted that paragraph (3)(C) allows with an adequate showing by applicant for reinstatement of no more than 3 months of the patent term reduced for applicant delay in taking in excess of three months to respond.

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 procedures⁶ 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 302 (441 examination delay plus 34 B delay minus zero overlap minus 173 applicant delay) days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. To the extent that Patentee disputes the effect of the RCE cutoff on B delay, Patentee is given **one (1) month or thirty (30) days**, whichever

⁶ Thus, on occasion, even where a request for continued examination has already been filed and a notice of allowance issued pursuant to that request, applicant may file a further request for continued examination.

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 two (302) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3225.



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 Dulany 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 : 8,080,055 B2

DATED : December 20, 2011

DRAFT

INVENTOR(S) : Atanasoska 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 378 days

Delete the phrase "by 378 days" and insert --by 302 days--



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

MAILED

SEP 23 2010

OFFICE OF PETITIONS

In re Application of :
DONG-YOL YANG ET AL. :
Application No. 11/964,993 : **DECISION ON PETITION**
Filed: December 27, 2007 :
Attorney Docket No. **SAMSDI.000GEN** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 20, 2010, to revive the above-identified application.

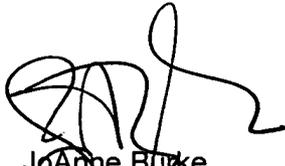
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed February 4, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 5, 2010.

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

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

This application is being referred to Technology Center AU 2889 for appropriate action by the Examiner in the normal course of business.


JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**MAILED
OCT 14 2011
OFFICE OF PETITIONS**

In re Application of :
Hiroshi Akahori :
Application No. 11/965,008 : DECISION GRANTING PETITION
Filed: December 27, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 04329.4281 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, October 12, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This application is being referred to Technology Center AU 2822 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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**CHRISTIAN N. HEAUSLER
KELLOGG BROWN & ROOT LLC
601 JEFFERSON AVENUE
HOUSTON, TX 77002**

**MAILED
JUN 01 2011
OFFICE OF PETITIONS**

In re Application of :
Subramanian et al. :
Application No. 11/965,049 : **ON PETITION**
Filing: December 27, 2007 :
Attorney Docket No. 07-26 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 20, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fee(s) on or before March 10, 2011, as required by the Notice of Allowance and Fee(s) Due mailed December 10, 2010. Accordingly, the application became abandoned on March 11, 2011. A Notice of Abandonment was mailed March 28, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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 the undersigned at (571) 272-6059.

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

Alicia Kelley-Collier
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**WARNER, NORCROSS & JUDD
IN RE: ALTICOR INC.
INTELLECTUAL PROPERTY GROUP
111 LYON STREET, N. W. STE 900
GRAND RAPIDS MI 49503-2489**

MAILED

OCT 25 2010

In re Application of : **OFFICE OF PETITIONS**
Baarman et al. :
Application No. 11/965,085 : **DECISION GRANTING PETITION**
Filed: December 27, 2007 : **UNDER 37 CFR 1.78(a)(3)**
Attorney Docket No. 120270.121222-003 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 7, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 11/388,142, filed March 23, 2006, as set forth in the Application Data Sheet (ADS) filed concurrently with the instant 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 Commissioner may require additional information where there is a question whether the delay was unintentional.

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

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the above-noted, prior-filed nonprovisional application has been included in an ADS, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

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

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3282.

This matter is being referred to Technology Center Art Unit 2836 for appropriate action on the amendment filed October 7, 2010, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.



Liana Walsh
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
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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/965,085, 12/27/2007, 2836, 2166, 120270.121222-003, 26, 5

CONFIRMATION NO. 2872

CORRECTED FILING RECEIPT



28440
WARNER, NORCROSS & JUDD
IN RE: ALTICOR INC.
INTELLECTUAL PROPERTY GROUP
111 LYON STREET, N. W. STE 900
GRAND RAPIDS, MI 49503-2489

Date Mailed: 10/21/2010

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)

David W. Baarman, Fennville, MI;
Scott A. Mollema, Rockford, MI;

Assignment For Published Patent Application

ACCESS BUSINESS GROUP INTERNATIONAL LLC, Ada, MI

Power of Attorney: The patent practitioners associated with Customer Number 28440

Domestic Priority data as claimed by applicant

This application is a CIP of 11/388,142 03/23/2006 PAT 7,355,150
and claims benefit of 60/883,127 01/02/2007

Foreign Applications

If Required, Foreign Filing License Granted: 01/29/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/965,085

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

INDUCTIVE POWER SUPPLY WITH DEVICE IDENTIFICATION

Preliminary Class

307

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

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

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

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

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

NOT GRANTED

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



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FENWICK & WEST, LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

MAILED
DEC 15 2010
OFFICE OF PETITIONS

In re Application of :
Vadim Zaliva :
Application No. 11/965,098 :
Filed: December 27, 2007 :
Attorney Docket No. 26144-13207 :
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 29, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Fenwick & West, LLP has been revoked by the applicant of the patent application on November 29, 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 address of record 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
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NEW RENAISSANCE COMMERCIAL
PO BOX 128
BELMONT, CA 94002

MAILED

JUN 27 2011

OFFICE OF PETITIONS

In re Application of
Vadim Zaliva
Application No. 11/965,098
Filed: December 27, 2007
Attorney Docket No. 2152-6001

DECISION ON PETITION

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

This application became abandoned for failure to timely pay the issue and publication fees on or before March 23, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 23, 2010. Accordingly, the date of abandonment of this application is March 24, 2011.

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

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

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline at 571-272-4200.

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

April M. Wise
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/4/11

TO SPE OF : ART UNIT 2852

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/965,198 Patent No. 7,890,033

CofC mailroom date 3/24/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Ernest C. White, LIE

**Certificates of Correction Branch
703-756-1814**

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments: Requested changes are approved.

/David Gray/ (06/01/2011)

2852

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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Murray IP Consulting Inc
246 Queen St
Suite 404
Ottawa ON K1P5E-4 CA CANADA

MAILED

DEC 08 2011

OFFICE OF PETITIONS

In re Application of	:	
John-Pierre Kamel	:	
Application No.: 11/965267	:	ON PETITION
Filing or 371(c) Date: 12/27/2007	:	
Attorney Docket Number:	:	
1001-048	:	

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 November 16, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed May 25, 2010. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on August 26, 2010. A Notice of Abandonment was mailed January 4, 2011.

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 in the form of an Amendment; (2) the petition fee; and (3) the required statement of unintentional delay¹. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to Technology Center Art Unit 2612 for processing of the response to the Office action filed with the petition in the normal course of business.

¹ 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) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
MAR 08 2011
OFFICE OF PETITIONS

In re Application of :
DAVISS, Jeffrey R. et al. :
Application No. 11/965,275 :
Filed: December 27, 2007 :
Attorney Docket No. **BOBJ-147/00US 304661-** :
2291 :

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 24, 2011.

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

A review of the file record indicates that the address has been changed. 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 Tredelle Jackson 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **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**



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INTEL CORPORATION
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS MN 55402

MAILED
FEB 28 2012
OFFICE OF PETITIONS

In re Application of :
Robert Dunstan :
Application No. 11/965,278 : **DECISION ON PETITION**
Filed: December 27, 2007 :
Attorney Docket No. **P25886** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 30, 2011, to revive the above-identified application.

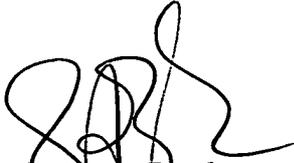
The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 17, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(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 18, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$930, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1,860; 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 2188 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', written in a cursive style.

JoAnne Burke
Petitions Examiner
Office of Petitions

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH*

Attorney Docket Number: TI-38640	Patent Number: 7,667,997
Filing Date (or 371(b) or (f) Date): 12-27-2007	Issue Date: 02/23/2010
First Named Inventor: John Rodriguez	
Title: METHOD TO IMPROVE FERROELECTRONIC MEMORY PERFORMANCE AND RELIABILITY	

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature / Wade J. Brady III /	Date August 12, 2010
Name (Print/Typed) Wade J. Brady III	Registration Number 32,080

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

*Total of 1 forms are submitted.

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 08/17/2010

Applicant : John Rodriguez : DECISION ON REQUEST FOR
Patent Number : 7667997 : RECALCULATION of PATENT
Issue Date : 02/23/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/965,350 : OF WYETH AND NOTICE OF INTENT TO
Filed : 12/27/2007 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **123** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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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	:	
XU, et al	:	
Application No. 11/965,351	:	DECISION ON PETITION
Filed: December 27, 2007	:	TO WITHDRAW
Attorney Docket No. BOBJ-192/00US 304661-2429	:	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

correspondence



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103**

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of
Soosung Kim
Application No. 11/965,360
Filed: December 27, 2010
Attorney Docket No. JSK-PT017

:
:
:
:
:

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed October 29, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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VOLPE AND KOEING, P.C.
United Plaza
30 South 17th Street
Philadelphia, PA 19103

MAILED

JAN 10 2011

OFFICE OF PETITIONS

In re Application of	:	
Soosung Kim	:	
Application No. 11/965,360	:	DECISION ON PETITION
Filed: December 27, 2007	:	TO WITHDRAW
Attorney Docket No. JSK-PT017	:	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 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. 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 Stephen B. Schott on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Soosung Kim at the address indicated below.

There is an outstanding Office action mailed July 16, 2010 that requires a reply from the applicant.

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Kim Soosung**
101-808 Ilshinkunyoung Apt. 509
Mangwon-Dong, Mapo-Gu
Seoul, 121-230
Republic of Korea



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/965,360	12/27/2007	Soosung Kim	JSK-PT017

CONFIRMATION NO. 3348

POWER OF ATTORNEY NOTICE



Date Mailed: 01/07/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/13/2010.

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

/tsjohnson/

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



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CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20006

MAILED

SEP 14 2010

In re Application of
Volodymyr Pylypchuk
Application No. 11/965,377
Filed: December 27, 2007
Attorney Docket No. 22309-00002-US2

**OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 5, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. The practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) were appointed by a specific designation, then the request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request. Similarly, if practitioner(s) was appointed by a Customer Number, the practitioner(s) should ensure that the correct number is provided in the Request. Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer Number Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (PTO/SB/83).

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 whose properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

The request cannot be approved because practitioners were appointed by customer number. Practitioners must withdraw in the same manner that they were appointed. Further, 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 and the request is not signed.

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

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Patent No. : 7,879,612 B2
Ser. No. : 11/965,419
Inventor(s) : Palin et al..
Issued : Feb.1, 2011
Title : ORGANIC NON-SUGAR COMPOUNDS FOR PROTECTION OF
BIOLOGICALLY ACTIVE MOLECULES AND CONJUGATE LABELS AND METHODS
OF USE THEREOF

Docket No. : ISA-11701
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

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: 01/26/2012

Address: Christopher A. Brown
Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137

ts



UNITED STATES PATENT AND TRADEMARK OFFICE

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WPAT, PC
INTELLECTUAL PROPERTY ATTORNEYS
2030 MAIN STREET, SUITE 1300
IRVINE, CA 92614

MAILED

OCT 20 2010

In re Application of : OFFICE OF PETITIONS
Ming-Han Lin :
Application No. 11/965,490 : DECISION ON PETITION
Filed: December 27, 2007 :
Attorney Docket No. 18306-135 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 21, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit corrected drawings on or before August 9, 2010, as required by the Notice of Allowability, mailed May 7, 2010. Accordingly, the application became abandoned of August 10, 2010. A Notice of Abandonment was mailed August 20, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (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) 272-6059.

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

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
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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

MAILED
AUG 31 2010
OFFICE OF PETITIONS

In re Application of
Clinton, Michael Patrick
Application No. 11/965,517
Filed: December 27, 2007
Attorney Docket No. TI-62759

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 27, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of \$1620.00, and (3) a proper statement of unintentional delay.

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

This matter is being referred to Technology Center AU 2824 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of :
Michael Patrick Clinton :
Application No. 11/965,517 : **DECISION ON PETITION**
Filed: December 27, 2007 :
Attorney Docket No. TI-62759 :

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

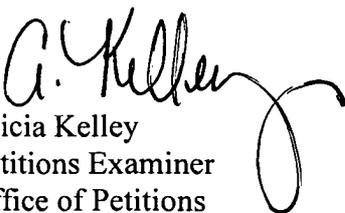
The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 19, 2011, as required by the Notice of Allowance and Fee(s) Due mailed October 19, 2010. Accordingly, the application became abandoned on January 20, 2011. A Notice of Abandonment was mailed February 1, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$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 the undersigned at (571) 272-6059.

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


Alicia Kelley
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10/21/11

TO SPE OF : ART UNIT 3734

SUBJECT : Request for Certificate of Correction for Appl. No.: 11965531 Patent No.: 8016851

CofC mailroom date: 10/05/11

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**

For information to Director: SPE response to 571-272-3421

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.

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: Changing the labeling of the steps does not affect the patentability of the method steps

/Gary Jackson/ 3734

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

DAVIDSON BERQUIST JACKSON & GOWDEY LLP
4300 WILSON BLVD., 7TH FLOOR
ARLINGTON VA 22203

MAILED
SEP 23 2011

OFFICE OF PETITIONS

In re Application of :
Martins :
Application No. 11/965,589 : DECISION ON PETITION
Filed: December 27, 2007 : PURSUANT TO
Attorney Docket No. 2540- : 37 C.F.R. § 1.137(B)
1185 :
Title: INTELLIGENT POWER :
CORD DEVICE (ICORD) :

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

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

The concurrently submitted Power of Attorney and Change of Address has been entered and made of record.

The above-identified application became abandoned for failure to reply in a timely manner to a non-final Office action, mailed January 18, 2011, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on April 19, 2011. A notice of abandonment was mailed on August 3, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R.

- § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
 - (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted an amendment, the petition fee, and the proper statement of unintentional delay. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on August 9, 2011 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.** 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).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MAILED
SEP 29 2010
OFFICE OF PETITIONS

TEXAS INSTRUMENTS INCORPORATED
P.O. BOX 655474, M/S 3999
DALLAS, TX 75265

In re Application of :
Michael Patrick Clinton :
Application No. 11/965,639 : **ON PETITION**
Filed: December 27, 2007 :
Attorney Docket No. TI-63089 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 27, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 7, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 8, 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 2824 for further processing.

Irvin Dingle
Irvin Dingle
Petitions Examiner
Office of Petitions



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VISTA IP LAW GROUP LLP
1885 LUNDY AVENUE
SUITE 108
SAN JOSE, CA 95131

MAILED

OCT 19 2010

OFFICE OF PETITIONS

In re Application of :
Junjiang Lei, et al. :
Application No.: 11/965,680 :
Filed: December 27, 2007 :
Attorney Docket No.: 07PA021US01 :

ON PETITION

This is a decision on the petition, filed October 18, 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 September 27, 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 2825 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 19, 2011

TO SPE OF : ART UNIT 2811 SPE Lynn A. Gurley

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/965,702 Patent No.: 7,867,819 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

**Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206**

Should the changes to claims 8-11 be approved as requested by applicant?

See COCIN dated 4-12-2011

Antonio Johnson

Certificates of Correction Branch

(571)272-0483 Fax – (571)270-9846

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 *Lynn A. Gurley* Art Unit 2811



UNITED STATES 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 C. KLINGER
2591 DALLAS PARKWAY
SUITE 300
FRISCO, TX 75034

MAILED
MAY 11 2011
OFFICE OF PETITIONS

In re Application of :
Heung-Chan Seung :
Application No. 11/965,707 :
Filed: December 27, 2007 :
Attorney Docket No.: 133358.00002 :

ON PETITION

This is a decision on the petition, filed April 2, 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 not signed by a registered practitioner or record. However, in accordance with 37 CFR 1.34(a), the signature of Robert C. Klinger appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of May 20, 2010, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before August 20 2010; however, the maximum statutory period for response ended on November 20, 2010. A Notice of Abandonment was mailed on December 6, 2010. On April 2, 2011, the present petition was filed.

Petitioner argues that a timely reply was mailed on November 19, 2010. In support, petitioner submits a copy of the previously mailed correspondence, including a transmittal letter bearing a certificate of mailing dated November 19, 2010, an amendment and a 3-month petition for extension of time. Petitioner also submitted a copy of the return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on November 29, 2010 of, *inter alia*, Amendment and Three (3) Month EOT.

A review of the written record confirms that an amendment, including an appropriate 3-month extension of time, was filed on November 29, 2010, using a Certificate of Mailing under 37 CFR 1.8 dated November 19, 2010, as t present in the file. Accordingly, the response was timely received in the USPTO and no abandonment existed.

The holding of abandonment for failure to timely file a response to the Office action of May 20, 2010 is withdrawn and the application is restored to pending status. The Notice of Abandonment mailed December 6, 2010 is hereby vacated.

This application is being referred to Technology Center AU 2186 for appropriate action by the Examiner in the normal course of business on the reply received November 29, 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.

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

MAILED

NOV 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Jun-Hee Cho	:	
Application No. 11/965,708	:	ON PETITION
Filed: December 27, 2007	:	
Attorney Docket No. 00939H-157000US	:	

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 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 10, 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). A one month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, by operation of law, the date of abandonment of this application is April 13, 2010.

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

In view of the above, the petition is **GRANTED** *nunc pro tunc*.

A review of the record reveals that petitioner filed a Request for Continued Examination (RCE) under the provisions of 37 CFR 1.114 on April 12, 2010 with a one (1) month extension of time. Petitioner should note that while the RCE was timely filed, however the request was considered to be improper because petitioner failed to file the required submission.

Petitioner should also not that the Technology Center was without authority to act further in the case absent a grantable petition reviving this application after abandonment. Nevertheless, in view of this decision on petition the RCE is now considered a proper filing and the actions of the Technology Center taken thereafter are hereby ratified.

Since the \$810 RCE fee submitted with the petition on October 7, 2010 is considered a duplicate of the previous RCE fee filed April 12, 2010, this fee is unnecessary and will be credited to petitioner's credit card.

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

This application is being referred to Technology Center AU 2822 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.

/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

Decision Date : April 19,2011

In re Application of :

DIVYASIMHA HARISH

Application No : 11965737

Filed : 28-Dec-2007

Attorney Docket No : 00008.00039US1

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 April 19,2011

The request is **APPROVED**.

The request was signed by Raj Abhyanker (registration no. 45474) on behalf of all attorneys/agents associated with Customer Number 55952 . All attorneys/agents associated with Customer Number 55952 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 YPoint Capital, Inc.
Name2
Address 1 997 Hunter Lane
Address 2
City Fremont
State CA
Postal Code 94539
Country US

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

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

Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11965737	
Filing Date	28-Dec-2007	
First Named Inventor	DIVYASIMHA HARISH	
Art Unit	2855	
Examiner Name	MAX NOORI	
Attorney Docket Number	00008.00039US1	
Title	THERMAL EFFECT AND OFF-CENTER LOAD COMPENSATION OF A SENSOR	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		55952
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	YPoint Capital, Inc.	
Address	997 Hunter Lane	
City	Fremont	
State	CA	
Postal Code	94539	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Raj Abhyanker/
Name	Raj Abhyanker
Registration Number	45474



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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 24 2011
OFFICE OF PETITIONS**

In re Application of	:	
Marc Bertin	:	DECISION ON PETITION
Application No. 11/965,782	:	TO WITHDRAW
Filed: December 28, 2007	:	FROM RECORD
Attorney Docket No. 0579-1178	:	

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**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on February 11, 2011 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

- (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
- (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
- (3) notified the client of any replies that may be due and the time frame within which the client must respond.

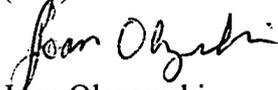
Petitioner has not complied with the above certifications.

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

Currently, there is an outstanding Office action mailed March 18, 2011 that requires a reply.

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



Joan Olszewski
Petitions Examiner
Office of Petitions

cc: LIAM MCDOWELL
1061 DALEBROOK DRIVE
ALEXANDRIA, VA 22308



UNITED STATES PATENT AND TRADEMARK 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.
11/965,873	12/28/2007	Leif Wallstrom	1018798-000449	4219
21839	7590	11/18/2010	EXAMINER	
BUCHANAN, INGERSOLL & ROONEY PC			CHAPMAN, GINGER T	
POST OFFICE BOX 1404			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22313-1404			3761	
			NOTIFICATION DATE	DELIVERY MODE
			11/18/2010	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):

ADIPFDD@bipc.com
offserv@bipc.com



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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of:
WALLSTROM, LEIF et al
Serial No.: 11/965,873
Filed: Dec. 28, 2007
Docket: 1018798-000449
Title: ABSORBENT ARTICLE HAVING
IMPROVED FIT

DECISION ON PETITION TO
REVIEW RESTRICTION
REQUIREMENT UNDER
37 CFR 1.144

This is a decision on the petition filed November 9, 2010 to review the election of species requirement under constructive restriction promulgated in August 9, 2010 Office action. The petition is being considered pursuant to 37 CFR 1.181 and CFR 1.144 and no fee is required for the petition.

The petition is **GRANTED**.

In the November 9, 2010 petition, petitioner requests the examiner to reconsider the election of species requirement and withdrawal of claims 19-20 from consideration in the August 9, 2010 Office action. The petitioner contends that the newly added non-elected claims 19-20 of May 5, 2010 do not contain mutually exclusive characteristic limitations from the examined and rejected claims 1-18. Therefore, the requirement of election of species was in error.

After consulting with the supervisor, it was agreed that claims 19-20 should be rejoined. The election of species requirement of August 9, 2009 is withdrawn as requested. An Office action on the merits including the rejoined claims 19-20 will follow in due course. Therefore, the request to withdraw the election of species is hereby granted. The request for a Pre-Appeal Brief Conference filed on November 9, 2010 is moot. The prosecution will be re-opened for rejoinder of the newly added claims 19-20.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3761 for consideration of newly added claims 19-20 of May 5, 2010. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

Application Serial No. 11/965,873
Decision on Petition

PETITION GRANTED



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

**VEDDER PRICE P.C.
222 N. LASALLE STREET
CHICAGO IL 60601**

**MAILED
MAY 25 2011
OFFICE OF PETITIONS**

In re Application of	:	
Matloub, Haitham	:	
Application No. 11/965,904	:	DECISION ON PETITION
Filed: December 28, 2007	:	TO WITHDRAW
Attorney Docket No. 39217.00.0006	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 18, 2011.

The request is **NOT APPROVED**.

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

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

The request cannot be approved because a change of address was provided.

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

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**VEDDER PRICE P.C.
222 N. LASALLE STREET
CHICAGO, IL 60601**

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Application of
Matloub, Haitham
Application No. 11/965,904
Filed: December 28, 2007
Attorney Docket No. 39217.00.0006

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Vedder Price P.C. has been revoked by the assignee of the patent application on June 21, 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 Tredelle Jackson at 571-272-2783.

/Fredelle D. Jackson/
Petitions Examiner
Office of Petitions

cc: **KELLY & KRAUSE, L.P.
1000 JORIE BOULEVARD
SUITE 144
OAK BROOK IL 60523**

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (02-10)

Approved for use through 07/31/2010. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH*

Attorney Docket Number: 05EDI43052852

Application Number: 11/965,970

Filing Date (or 371(b) or (f) Date): DECEMBER 28, 2007

Patent Number: 7,659,500

Issue Date: FEBRUARY 9, 2010

First Named Inventor: Matthew PURCELL

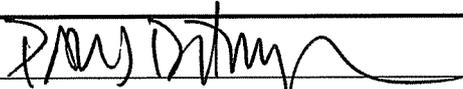
Title: IMPROVED COLUMN CURRENT SOURCE FOR CMOS IMAGERS

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature 	Date AUGUST 6, 2010
Name (Print/Typed) PAUL J. DITMYER	Registration Number 40,455
Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.	
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.	

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A.
1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE
P.O. BOX 3791
ORLANDO, FL 32802-3791

Mail Date: 08/12/2010

Applicant : Matthew PURCELL : DECISION ON REQUEST FOR
Patent Number : 7659500 : RECALCULATION of PATENT
Issue Date : 02/09/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/965,970 : OF WYETH AND NOTICE OF INTENT TO
Filed : 12/28/2007 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **37** 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.

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: Gerassimos M. Makrigiorgos
63 Payson Road
Chestnut Hill, MA 02467



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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NITESH RATNAKAR
ROUTE 3,
BOX 179-A
ELKINS WV 26241

MAILED
MAR 09 2012

OFFICE OF PETITIONS

In re Application of :
Nitesh Ratnakar :
Application No. 11/966,020 :
Filed: December 28, 2007 :
Title of Invention: **Method And System For**
Determining Popularity Of An Enterprise
And Associating A Ranking Factor Based
On Popularity With Contact Information For
The Enterprise Stored Locally On A
Communication Device

ON PETITION

This is a decision on the petition filed February 27, 2012, to revive the above identified application under 37 CFR 1.137(a)¹.

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

The application became abandoned on December 9, 2011, for failure to timely submit the issue fee as required by the Notice of Allowance and Issue Fee Due mailed September 8, 2011, which set a three (3) month statutory period for reply. Petitioner filed an Issue Fee Transmittal on December 13, 2011 (December 8, 2011 certificate of mail date) with a check in the amount of \$1055.00, for the amount of the issue fee and publication fee. When the USPTO attempted to collect the funds, the check was returned by the bank it was drawn on as insufficient funds were in the account to satisfy the disbursement. As the issue fee was not timely paid, the application became abandoned. Accordingly, a Notice of Abandonment was mailed January 10, 2012.

¹A grantable petition under 37 CFR 1.137(a) must be accompanied by:

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

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

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

PETITION UNDER 37 CFR 1.137(a)

The Commissioner may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Commissioner to be "unavoidable".² 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.³

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).⁴ Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.⁵

Petitioner asserts unavoidably delayed from filing a timely response to the Notice of Allowance, that the issue fee submitted bounced on account of attorney misconduct and by no fault of Applicant. Petitioner asserts further that "I have no knowledge as to why Kenneth W. Jarrell, neglected to deposit the necessary funds to cover the check in his account and follow through with the necessary diligence required of an attorney engaged

²35 U.S.C. § 133.

³In *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).

⁴See MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay.

⁵*Ex parte Pratt*, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

to represent my interests to the Patent Office. Funds sent to Kenneth W. Jarrell to cover the issue fee have not been returned or refunded. Attorney Kenneth W. Jarrell committed suicide January 10, 2012, after murdering his ex- wife as indicated by news accounts, a copy of one article which is attached hereto as Exhibit F. I believe that Kenneth W. Jarrell's personal issues leading to his death contributed to his neglect of my Application and embezzlement of my funds including the issue fee funds of the subject Application."

In order to establish unavoidable delay, petitioner must demonstrate diligence on the part of the attorney of record in prosecution of the matter.⁶ Since petitioners can't say for certain whether the attorney of record exercised any diligence with respect to the prosecution of this application, rather than unavoidable delay and a lack of diligence on the part of petitioner's chosen representative, the facts point more towards negligence on the part of the attorney of record. The series of events outlined in the petition suggest that the attorney of record may have been negligent in prosecuting the application.

Unfortunately, however, the U.S. Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and applicant is bound by the consequences of those actions or inaction.⁷ Specifically, petitioner's delay caused by the mistakes or negligence of his voluntarily chosen representative however does not constitute unavoidable delay within the meaning of 35 U.S.C. § 133 or 37 CFR 1.137(a).⁸

As petitioner has not provided a showing of evidence to satisfy the requirements of a grantable petition under 37 CFR 1.137(a), the petition will be dismissed.

Petitioner may wish to consider filing a petition under 37 CFR 1.137(b)⁹, which now

⁶See Douglas v. Manbeck, 21 USPQ2d 1697, 1700 (E.D. Pa. 1991), aff'd 975 F.2d 869, 24 USPQ2d 1318 (Fed. Cir. 1992).

⁷Link v. Wabash, 370 U.S. 626, 633-34 (1962).

⁸Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (N.D. Ind. 1987); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (Comm'r Pat. 1891).

⁹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).



NITESH RATNAKAR
ROUTE 3,
BOX 179-A
ELKINS WV 26241

MAILED
APR 16 2012
OFFICE OF PETITIONS

ON PETITION

In re Application of :
Nitesh Ratnakar :
Application No. 11/966,020 :
Filed: December 28, 2007 :
Title of Invention: **Method And System For**
Determining Popularity Of An Enterprise
And Associating A Ranking Factor Based
On Popularity With Contact Information For
The Enterprise Stored Locally On A
Communication Device

This is a decision on the petition filed April 11, 2012, to revive the above identified application under 37 CFR 1.137(b)¹.

The petition is **GRANTED**.

The application became abandoned on December 9, 2011, for failure to timely submit the issue fee as required by the Notice of Allowance and Issue Fee Due mailed September 8, 2011, which set a three (3) month statutory period for reply. Petitioner filed an Issue Fee Transmittal on December 13, 2011 (December 8, 2011 certificate of mail date) with a check in the amount of \$1055.00, for the amount of the issue fee and publication fee.

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

When the USPTO attempted to collect the funds, the check was returned by the bank it was drawn on as insufficient funds were in the account to satisfy the disbursement. As the issue fee was not timely paid, the application became abandoned. Accordingly, a Notice of Abandonment was mailed January 10, 2012. A petition to revive under 37 CFR 1.137(a) was filed February 27, 2012 but dismissed in a decision mailed March 9, 2012 because the showing presented was insufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).

Comes now petitioner with the instant petition under the unintentional standard. All other requirements having been met, this matter is being referred to the Publishing Division.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in cursive script, reading "Patricia Faison-Ball".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ZILKA-KOTAB, PC- HIT
P.O. BOX 721120
SAN JOSE CA 95172-1120

In re Application of

Hsiao, et al.

Application No. 11/966,086

Filed: December 28, 2007

Attorney Docket No.
HIT1P304/HSJ920070149US1

This is a decision on the petition under 37 CFR §1.137(b), December 21, 2011, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely file corrected drawings as required by the Notice of Allowability (the "Notice") mailed August 22, 2011. The Notice set forth a three (3) month statutory period for reply. No response was received within the allowable period. Accordingly, this application became abandoned on November 23, 2011. A Notice of Abandonment was mailed on December 5, 2011.

Corrected drawings were received on December 21, 2011.

The application is being forwarded to the Office of Data Management for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

MAILED
FEB 06 2012
OFFICE OF PETITIONS

DECISION ON PETITION

DOCKET NO: 317098US8X CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
DANIEL W. TAPSON : ALLOWED: AUGUST 23, 2010
SERIAL NO: 11/966,189 : EXAMINER: BHATNAGAR, A. P.
FILED: DECEMBER 28, 2007 : GROUP ART UNIT: 2624
FOR: EMBEDDING DATA IN :
MATERIAL

AMENDMENT AFTER ALLOWANCE UNDER 37 C.F.R. §1.312

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Notice of Allowance dated August 23, 2010, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begin on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SNR DENTON US LLP
P.O. BOX 061080
CHICAGO IL 60606-1080

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Application of :
Ahmad Hassan, et al. :
Application No. 11/966,192 :
Filed: December 28, 2007 :
Attorney Docket No. 12000010-001-002 :

**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 12, 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). The power of attorney filed August 3, 2011 does not include one of the above two options.

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: STREAMING NETWORKS
1765 SCOTT BOULEVARD
SUITE 110
SANTA CLARA, CA 95050

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11966192	
Filing Date	28-Dec-2007	
First Named Inventor	Ahmad Hassan	
Art Unit	2192	
Examiner Name	HANH BUI	
Attorney Docket Number	12000010-0001-002	
Title	METHOD AND APPARATUS FOR INTERACTIVE SCHEDULING OF VLIW ASSEMBLY CODE	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		26263
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Streaming Networks	
Address	1765 Scott Boulevard, Suite 110	
City	Santa Clara	
State	CA	
Postal Code	95050	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Tarek N. Fahmi/
Name	Tarek N. Fahmi
Registration Number	41402



UNITED STATES 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 6, 2011

In re Application of :

Ahmad Hassan

Application No : 11966192

Filed : 28-Dec-2007

Attorney Docket No : 12000010-0001-002

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed December 6, 2011

The request is **APPROVED**.

The request was signed by Tarek N. Fahmi (registration no. 41402) on behalf of all attorneys/agents associated with Customer Number 26263. All attorneys/agents associated with Customer Number 26263 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 Streaming Networks
Name2
Address 1 1765 Scott Boulevard, Suite 110
Address 2
City Santa Clara
State CA
Postal Code 95050
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

General Electric Company
GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484

MAILED

MAY 10 2011

OFFICE OF PETITIONS

In re Application of
David S. Slaton, et. al.
Application No. 11/966,201
Filed: December 28, 2007
Attorney Docket No. 228181_1

ON PETITION

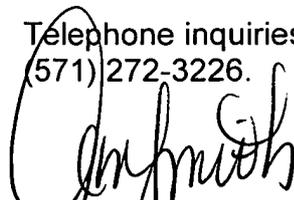
This is a decision on the petition under 37 CFR 1.137(b), filed March 31, 2011, to revive the above-identified application.

The application became abandoned for failure to file a reply to the Restriction/Election Requirement mailed September 7, 2010. A Notice of Abandonment was mailed on March 30, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment/election; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay¹. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 3744 for review of the response filed with the present petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

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. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement.



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MILLER THOMPSON, LLP
Scotia Plaza
40 King Street West, Suite 5800
TORONTO ON M5H 3S1 CA CANADA

MAILED

OCT 19 2011

OFFICE OF PETITIONS

In re Application of
Cassaday, et al.
Application No.: 11/966,210
Filed: December 28, 2007
Attorney Docket No: **056836-0068**

:
:
: ON PETITION
:
:

This is in response to the petition under 37 CFR 1.137(b) filed September 24, 2011.

The petition is DISMISSED.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition" under 37 CFR 1.137(b)."

This application became abandoned for failure to respond in a timely and proper manner to the final Office action mailed October 27, 2010. The notice set a shortened statutory period for reply of three-months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). The application became abandoned on January 28, 2011. A Notice of Abandonment was mailed on June 6, 2011.

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed. In a non-provisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee, or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.
- (2) the petition fee as set forth in 37 CFR 1.17(m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition does not satisfy the requirements of item (1) above.

Examiner Peter Brown has reviewed the amendment filed September 24, 2011, and determined that the amendment does not place the application in condition for allowance. The petition must, therefore, be dismissed. To be considered grantable, the renewed petition must be accompanied by an amendment that places the application in condition for allowance, a Request for Continued Examination under 37 CFR 1.114, or a Notice of Appeal and fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petitions
Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile:

(571) 273-8300
Attn: Office of Petitions

Questions regarding a proper response to be filed with any renewed petition must be addressed to Examiner Brown. Telephone inquiries concerning other aspects of this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MILLER THOMPSON, LLP
Scotia Plaza
40 King Street West, Suite 5800
TORONTO ON M5H 3S1 CA CANADA

MAILED
FEB 24 2012
OFFICE OF PETITIONS

In re Application of :
Cassaday, et al. :
Application No.: 11/966,210 : ON PETITION
Filed: December 28, 2007 :
Attorney Docket No: **056836-0068** :

This is a decision on the petition under 37 CFR 1.137(b), filed February 17, 2012, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to respond in a timely and proper manner to the final Office action mailed October 27, 2010. The notice set a shortened statutory period for reply of three-months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). The application became abandoned on January 28, 2011. A Notice of Abandonment was mailed on June 6, 2011.

The Request for Continued Examination and amendment filed February 17, 2012, are noted.

The application file is being forwarded to Technology Center, GAU 3636 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**PATRICK W. RASCHE (22697)
ARMSTRONG TEASDALE LLP
7700 FORSYTH BOULEVARD
SUITE 1800
ST. LOUIS MO 63105**

**MAILED
NOV 18 2010
OFFICE OF PETITIONS**

In re Application of :
Riedlinger et al. :
Application No. 11/966,355 : **DECISION ON PETITION**
Filed: December 28, 2007 :
Attorney Docket No. 223926-1 (22697-745) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 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 non-final Office action mailed, October 21, 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 22, 2010. A Notice of Abandonment was mailed 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 an Amendment, (2) the petition fee of \$1,620.00, 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.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 2836 for further appropriate action by the Examiner in the normal course of business on the reply received.



Joan Olszewski
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GREENBERG TRAUIG LLP (LA)
C/O: GREENBERG TRAUIG LLP CHICAGO OFFICE
77 WEST WACKER DRIVE, SUITE 3100
INTELLECTUAL PROPERTY DEPARTMENT
CHICAGO IL 60601

MAILED
MAR 02 2011
OFFICE OF PETITIONS

In re Application of :
Michael D. Rossman :
Application No. 11/966,430 :
Filed: December 28, 2007 :
Attorney Docket No. 079889-800101/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 C.F.R. § 1.36(b), filed January 24, 2011.

The request is **NOT APPROVED**.

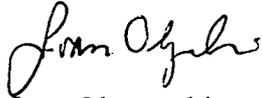
The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

According to a review of current USPTO records petitioner has not recognized the current recorded assignee concerning the above-identified application or the first listed inventor. New Tier Communications is not the current assignee of the above-identified application. Further, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application for the current assignee, the Office cannot change the correspondence address to the address on the Request to Withdraw. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed October 7, 2010 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

A handwritten signature in cursive script, appearing to read "Joan Olszewski".

Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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**GREENBERG TRAURIG LLP (LA)
C/O: GREENBERG TRAURIG LLP CHICAGO OFFICE
77 WEST WACKER DRIVE, SUITE 3100
INTELLECTUAL PROPERTY DEPARTMENT
CHICAGO IL 60601**

MAILED

MAR 24 2011

OFFICE OF PETITIONS

In re Application of :
Michael D. Rossman :
Application No. 11/966,430 :
Filed: December 28, 2007 :
Attorney Docket No. 079889-800101/US :
:

DECISION ON PETITION
TO WITHDRAW FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 9, 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 Bruce T. Neel, on behalf of all attorneys of record who are associated with Customer Number 33717.

All attorneys/agents associated with the Customer Number 33717 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee at the address indicated below.

Currently, there is an outstanding Office action mailed October 7, 2010 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
Petitions Examiner
Office of Petitions

cc: New Tier, Inc.
15875 North Greenway-Hayden Loop, Suite 109
Scottsdale, AZ 85260



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**COOLEY LLP
ATTN: PATENT GROUP
SUITE 1100
777 - 6TH STREET, NW
WASHINGTON DC 20001**

MAILED

MAR 31 2011

OFFICE OF PETITIONS

In re Application of :
Ducaule et al. :
Application No. 11/966,476 : **DECISION ON PETITION**
Filed: December 28, 2007 : **TO WITHDRAW FROM RECORD**
Attorney Docket No. BOBJ-194/00US :
304661-2433 :

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 24, 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).

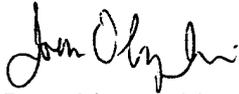
The request was signed by William S. Galliani, on behalf of all attorneys of record who are associated with Customer Number 23419.

All attorneys/agents associated with the Customer Number 23419 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will continue to be directed to the assignee at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



Joan Olszewski
Petitions Examiner
Office of Petitions

cc: 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



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INTEL CORPORATION
C/O CPA GLOBAL
P.O. BOX 52050
MINNEAPOLIS, MN 55402

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SEP 30 2010

OFFICE OF PETITIONS

In re Application of
Lakshmi Supriya, et al.
Application No. 11/966,560
Filed: December 28, 2007
Attorney Docket No.: P25890

:
:
:
:
:
:

ON PETITION

This is a decision in response to the petition, filed August 19, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed November 16, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on December 17, 2009. A Notice of Abandonment was subsequently mailed on June 21, 2010. On August 19, 2010, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the response in the form of an election of the invention to be examined; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 1797 for appropriate action by the Examiner in the normal course of business on the reply received August 19, 2010.

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.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

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JUL 01 2011

OFFICE OF PETITIONS

In re Application of :
Ashutosh, GARG, et al. :
Application No. 11/966,613 :
Filed: December 28, 2007 :
Attorney Docket No. **16113-1008001** :

:
: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)
:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 29, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 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 2156 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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**CARL KUKKONEN (SAP / BUSINESS OBJECTS)
MINTZ LEVIN COHN FERRIS GLOVSKY POPEO PC
3580 CARMEL MOUNTAIN RD., SUITE 300
SAN DIEGO CA 92130**

MAILED

MAY 02 2011

OFFICE OF PETITIONS

In re Application of	:	
MAYOR	:	
Application No. 11/966,641	:	DECISION ON PETITION
Filed: December 28, 2007	:	TO WITHDRAW
Attorney Docket No. BOBJ-195/00US 304661-2435	:	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**.

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

cc: WILLIAM S. GALLIANI
COOLEY GODWARD KRONISH LLP
777 6TH STREET NW, SUITE 1100,
WASHINGTON DC 20001



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300 SOUTH WACKER DRIVE
SUITE 2500
CHICAGO IL 60603

MAILED

APR 09 2012

In re Application of : **OFFICE OF PETITIONS**
Wang et al. :
Application No. 11/966,749 : **ON PETITION**
Filed: December 28, 2007 :
Attorney Docket No. 4077/2033.78064 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 29, 2012, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 17, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2).

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) 1.

As to item (1), the examiner has determined that the amendment does not place the application in condition for allowance. An advisory action accompanies this decision.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.



Charlema Grant
Attorney Advisor
Office of Petitions

Enclosure: Advisory Action

Advisory Action Before the Filing of an Appeal Brief	Application No. 11/966,749	Applicant(s) WANG ET AL.
	Examiner ALTREV SYKES	Art Unit 1786

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 February 2012 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

NO NOTICE OF APPEAL FILED

1. The reply was filed after a final rejection. No Notice of Appeal has been filed. 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 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:
- a) The period for reply expires 6 months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action; or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- c) A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection. The current period for reply expires _____ months from the mailing date of the prior Advisory Action or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.

Examiner Note: If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANT'S FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). 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) or (c) 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 amendments filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- a) They raise new issues that would require further consideration and/or search (see NOTE below);
- b) They raise the issue of new matter (see NOTE below);
- c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. Applicant's reply has overcome the following rejection(s): _____.
6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. For purposes of appeal, the proposed amendment(s): (a) will not be entered, or (b) will be entered, and an explanation of how the new or amended claims would be rejected is provided below or appended.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after 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 the Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. Other: _____

STATUS OF CLAIMS

14. The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____
- Claim(s) objected to: _____
- Claim(s) rejected: 1-18.
- Claim(s) withdrawn from consideration: _____

/Elizabeth M. Cole/
Primary Examiner, Art Unit 1798

Continuation of 3. NOTE: Examiner notes that applicant has not been consistent with the terminology of "hard water" and the recited minimum amount of calcium ions which have to be present in the water.

Continuation of 11. does NOT place the application in condition for allowance because: applicant's arguments are not found persuasive. Applicant argues neither of the references suggests the use of 2-20% C14 oligomers. Examiner is not persuaded. Sucech discloses the second soap used in the soap blend has an alkyl chain length of 6-16 carbon units. (See Col 2, lines 29-34) Therefore, examiner maintains the position as set forth on pg. 10 of the last mailed office action with respect to substituting and optimizing the oligomer distribution in the soap blend. Applicant argues there is no teaching or suggestion that changing the distribution of oligomers changes the void size or the strength characteristics of the foamed product. Examiner is not persuaded. While the Sucech reference does discuss regulating the relative amounts of the stable soap to the unstable soap to control the void size, examiner notes that the reference also teaches that the oligomer distribution of the stable soap and unstable soap is not limited. Therefore, one of ordinary skill in the art would appreciate that the oligomer distribution of each soap would have just as much an effect on the void size and strength of the foam as adjusting the ratio of each soap agent. Applicant argues there is no teaching or suggestion that that the results obtained using fresh water would apply when hard water having at least 40g/L calcium was present. Examiner is not persuaded and notes that applicant has not been consistent with the terminology of "hard water" and the recited minimum amount of calcium ions which have to be present in the water. As such, examiner maintains the position as set forth in the last mailed office action particularly from the bottom of pg. 8 to the top of pg. 9. In summary, the instant specification sets forth that the type of water required to form the foam would be nothing special since the recited mineral concentration is simply deemed moderately soft to slightly hard. While Chatterji may include examples directed to fresh water, the prior art teaches that the type of water is not limited. Therefore, even though the use of hard water is not exemplified, one of ordinary skill in the art would have expected success of forming the foamed composition as claimed by applicant.



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SCHNECK & SCHNECK
P.O. BOX 2-E
SAN JOSE, CA 95109-0005

MAILED

SEP 14 2010

In re Application of
Manfred Riener
Application No. 11/966,807
Filed: December 28, 2007
Attorney Docket No: ODM-015

OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 5, 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 Thomas Schneck on behalf of all attorneys of record who are associated with customer No. 03897. All attorneys/agents associated with the Customer Number 03897 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

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: MANFRED RIENER
MURMANNGASSE 1/5
VIENNA A-1220 AUSTRIA

cc: ON DEMAND MICROELECTRONICS AG
DONAU-CITY-STRASSE 11
ARES TOWER 10 FLOOR
VIENNA 1220 AUSTRIA



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/966,807	12/28/2007	Manfred Riener	ODM-015

CONFIRMATION NO. 5769

POWER OF ATTORNEY NOTICE



Date Mailed: 09/08/2010

3897
SCHNECK & SCHNECK
P.O. BOX 2-E
SAN JOSE, CA 95109-0005

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/05/2010.

- 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



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PATENT OFFICE,
BANGSHIA
102 LINDENCREST CT.
SUGAR LAND TX 77479

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JAN 17 2012

OFFICE OF PETITIONS

In re Application of
Wu
Application No. 11/966,966
Filed/Deposited: 28 December, 2007
Attorney Docket No. SW-971482 (SW-116)

DECISION

This is a decision on the petition filed on 23 September, 2011, supplemented with an amendment on 24 September, 2011, for revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b).

NOTE:

The record (including the petition filed on 23 September, 2011, with amendment on 24 September, 2011) does not necessitate a finding that the delay between midnight 19 August, 2009 (the date of abandonment), and 23 and 24 September, 2011 (the date of the filing of grantable petition and amendment, respectively), was not unintentional.

Rather, the Patent and Trademark Office is relying in this matter on the duty of candor and good faith of Petitioner/Counsel Banger Shia (Reg. No. 57,568) when accepting Petitioner's representation that the delay in filing the response was unintentional.¹

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

¹ See *Changes to Patent Practice and Procedure*, 62 *Fed. Reg.* at 53160 and 53178, 1203 *Off. Gaz. Pat. Office* at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. ' 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 C.F.R. ' 1.137(b) to the Patent and Trademark Office).

Application No. 11/966,966

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 of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 19 May, 2009, with reply due absent extension of time on or before 19 August, 2009.

The application went abandoned by operation of law after midnight 19 August, 2009.

The Office mailed a Notice of Abandonment on 1 December, 2009.

On 23 September, 2011, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b) with an averment of unintentional delay, but the reply in the form of an amendment was not filed until 24 September, 2011—and Petitioner submitted no explanation of the extended delay, although a statement of unintentional delay was made.

As noted above, the record (including the petition filed on 23 September, 2011, with amendment on 24 September, 2011) does not necessitate a finding that the delay between midnight 19 August, 2009 (the date of abandonment), and 23 and 24 September, 2011 (the date of the filing of grantable petition and amendment, respectively), was not unintentional.

Rather, the Patent and Trademark Office is relying in this matter on the duty of candor and good faith of Petitioner/Counsel Banger Shia (Reg. No. 57,568) when accepting Petitioner's representation that the delay in filing the response was unintentional.²

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).

² See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. ' 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 C.F.R. ' 1.137(b) to the Patent and Trademark Office).

Application No. 11/966,966

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.³

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.^{4,5}

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

³ 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. §11.18, formerly §10.18, to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

⁴ See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

⁵ The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.)

Application No. 11/966,966

and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.⁶

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

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 2885 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

⁶ 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).

Application No. 11/966,966

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. §1.2⁷) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁷ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/967,074	12/29/2007	KUN-SHENG KUO	US14131	6190

7590 02/03/2011
Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY, CA 91789

EXAMINER

HORNER, JONATHAN R

ART UNIT	PAPER NUMBER
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2629

NOTIFICATION DATE	DELIVERY MODE
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02/03/2011

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.

Patent Publication Branch
Office of Data Management

11/967,074 12/29/2007 KUN-SHENG KUO US14131 6190
02/03/2011 ELECTRONIC



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Patent Office, Bangshia
102 Lindencrest Ct.
Sugar Land TX 77479

MAILED
FEB 13 2012
OFFICE OF PETITIONS

In re Application of

Hsu :

Application No. 11/967,146

Filed: December 29, 2007 :

DECISION ON PETITION

Attorney Docket No. **SW-971467 (SW-114)** :

This is a decision on the petition under 37 CFR 1.137(b), filed January 22, 2012, 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 13, 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 October 14, 2010. A Notice of Abandonment was mailed January 19, 2011.

The amendment filed January 22, 2012, is noted.

The application is being forwarded to Technology Center 3700, GAU 3751 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111103

DATE : November 03, 2011

TO SPE OF : ART UNIT 2825

SUBJECT : Request for Certificate of Correction on Patent No.: 7,921,393

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:

All changes in the Certificate of Correction filed on 10/25/2011 have been approved.

/JACK CHIANG/
Supervisory Patent Examiner.Art Unit 2825



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/967,213	12/30/2007	Gregory A. Shteyngarts		6492
35214	7590	11/08/2010	EXAMINER	
ALPHA IP GROUP			VO, TRUONG V	
LEONID KHODOR			ART UNIT	PAPER NUMBER
4920 BRAINARD ROAD			2156	
ORANGE, OH 44022			NOTIFICATION DATE	DELIVERY MODE
			11/08/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentserv@sbcglobal.net
lkhodor@aol.com
leonidkhorod@netscape.net



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Leonid Khodor
Alpha IP Group
4920 Brainard Road
Orange, OH 44022

In re Application of:
SHTEYNGARTS et al
Application No. 11/967,213
Filed: December 30, 2007
For: DATA MANAGEMENT SYSTEM FOR
MANUFACTURING ENTERPRISE AND
RELATED METHODS

**DECISION ON PETITION
UNDER 37 C.F.R. § 1.181**

This is a decision on the petition, filed 11 August 2010 under 37 CFR § 1.181 to invoke Supervisory Authority of the Commissioner and require the Examiner to withdraw the Final rejection mailed 30 June 2010.

The petition is **DISMISSED AS MOOT**.

A review of the application file record indicates that a Request for Continued Examination (RCE) with the required fee was filed on 30 September 2010 and was accepted and processed.

37 C.F.R. § 1.114(d) states, in part:

If an applicant timely files a submission and fee set forth in § 1.17(e), the Office will withdraw the finality of any Office action and the submission will be entered and considered. If an applicant files a request for continued examination ...

Pursuant to 37 C.F.R. § 1.114(d), the petition is **DISMISSED AS MOOT**.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

/Vincent N. Trans/
Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture and Software



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INTEL CORPORATION
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS MN 55402

MAILED

MAR 17 2011

OFFICE OF PETITIONS

In re Application of :
Tingting Sha :
Application No. 11/967,230 : DECISION ON PETITION
Filed: December 30, 2007 :
Attorney Docket No. P26771 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 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 January 24, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on March 25, 2008. A Notice of Abandonment was mailed October 1, 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 and \$130 surcharge fee, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the oath and declaration and fee are accepted as being unintentionally delayed.

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 January 11, 2011. Inquires regarding the status of the application should be directed to 571-272-4000.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

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AUG 18 2010
OFFICE OF PETITIONS

In re Application of :
Yoon-Soo KIM et al. :
Application No. 11/967,289 : DECISION ON PETITION
Filed: December 21, 2007 :
Attorney Docket No. Q104805 :

This is a decision on the petition, filed May 19, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed September 11, 2009, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on May 11, 2010.

Petitioner asserts that the final Office action dated September 11, 2009 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 Ella Colbert at (571) 272-4231.

This application is being referred to the Technology Center technical support staff of Art Unit 2457 for re-mailing the non-final Office action of September 11, 2009. The period for reply will run from the mailing date of the Office action.



Thurman K. Page
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/967,322	12/31/2007	Hye-jeong Chun	1101.0173D2	6764
89980	7590	01/28/2011	EXAMINER	
North Star Intellectual Property Law, PC P.O. Box 34688 Washington, DC 20043			NGUYEN, PHONG H	
			ART UNIT	PAPER NUMBER
			2162	
			NOTIFICATION DATE	DELIVERY MODE
			01/28/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

info@nsiplaw.com
uspto@nsiplaw.com
nsiplaw@gmail.com



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Randall S. Svihla
NSIP Law
P.O. Box 34688
Washington, DC 20043

In re Application of:
CHUN et al
Application No. 11/967,322
Filed: December 31, 2007
For: INFORMATION STORAGE MEDIUM
FOR STORING METADATA
SUPPORTING MULTIPLE LANGUAGES,
AND SYSTEMS AND METHODS OF
PROCESSING METADATA

**DECISION ON PETITION
UNDER 37 C.F.R. § 1.181**

This is a decision on the petition, filed on 13 January 2011, under 37 CFR § 1.181 to invoke Supervisory Authority of the Commissioner and require the Examiner to withdraw the Final Office Action mailed 15 September 2010.

The petition is **DISMISSED AS MOOT**.

A review of the application file record indicates that a Request for Continued Examination (RCE) with the required fee was filed on 18 January 2011 and was accepted and processed.

37 C.F.R. § 1.114(d) states, in part:

If an applicant timely files a submission and fee set forth in § 1.17(e), the Office will withdraw the finality of any Office action and the submission will be entered and considered. If an applicant files a request for continued examination ...

Pursuant to 37 C.F.R. § 1.114(d), the petition is **DISMISSED AS MOOT**.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

/Vincent N. Trans/
Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture and Software



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BURR & BROWN
PO BOX 7068
SYRACUSE NY 13261-7068

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SEP 06 2011

OFFICE OF PETITIONS

In re Application of :
Kunihiko Nakagaki, et al. :
Application No. 11/967,328 : **DECISION GRANTING PETITION**
Filed: December 31, 2007 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 788_176 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, September 2, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 24, 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 1724 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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P.O. BOX 10395
CHICAGO, IL 60610

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OFFICE OF PETITIONS

In re Application of :
Menahem LASSER, et al. :
Application No. 11/967,369 : DECISION GRANTING PETITION
Filed: December 31, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **10519/472** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 2, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 20, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2189 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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RUTHERFORD & BRUCCULERI, L.L.P.
20333 SH 249 6th Floor
HOUSTON, TX 77070

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FEB 24 2012
OFFICE OF PETITIONS

In re Application of :
Hart : DECISION ON APPLICATION
Application No. 11/967,384 : FOR PATENT TERM ADJUSTMENT
Filed: December 31, 2007 :
Attorney Docket No. 135-0057US:

This is a decision on the "Request for Reconsideration of Patent Term Adjustment" filed January 4, 2012, which is properly treated under 37 C.F.R. § 1.705(b). Applicant requests that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from two hundred and eighty-one (281) days to three hundred and fifty-three (353) days.

The application for patent term adjustment is **DISMISSED**.

On December 14, 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 281 days. On January 4, 2012, applicants timely submitted the instant application for patent term adjustment under 37 CFR 1.704(b)¹.

By the instant petition, applicant asserts that the patent term should be adjusted by 72 days, pursuant to 37 CFR 1.702(a)(2). In summary, applicant asserts that the Office action mailed July 21, 2010, failed to meet the requirements of 35 USC 132(a) and was subsequently supplemented by a "Supplemental Final Rejection" mailed November 10, 2010. Applicant concludes that the period of adjustment to the patent term under 37 CFR 1.702(a)(2) is properly calculated using the November 10, 2010, supplemental final Office action, rather than the July 21, 2010, final Office action.

¹ The Office records show that the issue fee was received on January 9, 2012.

Applicant's argument has been considered but is not persuasive. It is concluded that no period of adjustment for Office delay pursuant to 37 CFR 1.702(a)(2) is warranted.

It is undisputed that the Office mailed an action under 35 U.S.C. 132 in the form of a final Office action on July 21, 2010, within four months of the reply under 37 CFR 1.111 filed April 20, 2010. The subsequent mailing of another Office action under 35 U.S.C. 132 does not alter the date used in calculation of the period of adjustment. Pursuant to 35 U.S.C. 154(b)(1)(A)(ii), applicants are only entitled to day-to-day restoration of term lost as a result of delay created by the Office, after four months from the filing of the reply under 37 CFR 1.111 or appeal taken. The fact that the Office later supplemented the final Office action does not negate the fact that the Office took action within the meaning of 37 CFR 1.702(a)(2) on July 21, 2010. Further, relative to the determination of patent term adjustment, the examiner does not have the authority to vacate, rescind, or withdraw an Office action. Unless expunged from the record, for purposes of calculating patent term adjustment, the action originally mailed by the examiner on July 21, 2010, was properly used to calculate the adjustment to the patent term, if any, pursuant to 37 CFR 1.702(a)(2) and 37 CFR 1.703(a)(2). See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term; Final Rule, 65 Fed. Reg. 54366 (September 18, 2000). Accordingly, no period of adjustment to the patent term pursuant to 37 CFR 1.702(a)(2) will be entered.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance remains 281 days.

The petition fee of \$200.00 as set forth in 37 CFR 1.18(e) was received. No additional fees are required.

Further correspondence with respect to this decision should be addressed as follows:

By Mail: Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300

ATTN: Office of Petitions

By Hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded¹).

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

¹ See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR ' 1.703(f). See also Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule, 69 Fed. Reg. 21704 (April 22, 2004).

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH*

Attorney Docket Number: TI-65224	Patent Number: 7,660,150
Filing Date (or 371(b) or (f) Date): 12-31-2007	Issue Date: 02/09/2010
First Named Inventor: Donald George Mikan JR	
Title: MEMORY CELL HAVING IMPROVED WRITE STABILITY	

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature / Wade J. Brady III /	Date August 2, 2010
Name (Print/Typed) Wade J. Brady III	Registration Number 32,080
Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.	
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.	

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 08/12/2010

Applicant : Donald George Mikan JR. : DECISION ON REQUEST FOR
Patent Number : 7660150 : RECALCULATION of PATENT
Issue Date : 02/09/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/967,472 : OF WYETH AND NOTICE OF INTENT TO
Filed : 12/31/2007 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **47** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/967,544	12/31/2007	Takafumi ITO	320342US2S	7193
22850	7590	10/28/2010	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			HO, BINH VAN	
			ART UNIT	PAPER NUMBER
			2163	
			NOTIFICATION DATE	DELIVERY MODE
			10/28/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com



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Eckhard H. Kuesters
Oblon, Spivak, McClelland
Maier & Neustadt, L.L.P.
1940 Duke Street
Alexandria, VA 22314

In re Application of:)
Takafumi ITO)
Application No. 11/967,544)
Filed: December 31, 2007)
For: HOST DEVICE AND MEMORY SYSTEM)

DECISION ON PETITION

This is a decision on the petition, filed on 29 September 2010, under 37 CFR § 1.181 requesting to the Examiner to consider the reference cited in the Information Disclosure Statement filed on December 31, 2007.

The petition is **GRANTED**.

A copy of the initialed PTO-1449 is attached herewith.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

/Vincent N. Trans/
Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture and Software

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

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:	11/967,693	Filing date:	December 31, 2007
First Named Inventor:	William R. Dunbar		

Title of the Invention: Community Information And News Flow Network

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](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/US2008/088557

The international date of the corresponding PCT application(s) is/are: December 30, 2008

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.

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.

What is claimed is:

1. A community information and news flow network comprising:
 - at least one module configured to receive data about a community event;
 - a data management module in communication with the at least one module, the data management module storing data received by the at least one module; and
 - a content management module having an auto-report module, the content management module transforming data into a format for viewing at one or more locations in the community, the auto-report module automatically transforming a portion of the data into print-ready verbiage, the content management module transmitting the transformed data and print-ready verbiage for display at the one or more locations.
2. The community information and news flow network of claim 1 wherein the at least one module comprises a user interface and data entry module for enabling a user to manually enter data about the community event.
3. The community information and news flow network of claim 1 wherein the content management module wirelessly sends transformed data to the one or more locations.
4. The community information and news flow network of claim 1 wherein the auto-report module automatically transforms the portion of the data into print ready verbiage by performing the steps comprising:
 - retrieving data about the community event;
 - parsing the data to obtain information regarding the community event;
 - selecting at least one text option to use to display the information;
 - adding the information to the at least one text option to create a part of the print-ready verbiage; and
 - combining the part of the print-ready verbiage to other parts of the print-ready verbiage to form the print-ready verbiage.
5. The community information and news flow network of claim 1 further comprising a media reporter interface to allow a user to edit the print-ready verbiage.
6. The community information and news flow network of claim 1 wherein the at least one module comprises at least one on site scoring and statistics module.

7. The community information and news flow network of claim 6 wherein the at least one on-site scoring and statistics module includes a device that a user employs to track the community event.
8. The community information and news flow network of claim 7 wherein a wireless interface is added to the device.
9. The community information and news flow network of claim 1 wherein the content management module transforms data into one of a video news clips or at least one photo.
10. The community information and news flow network of claim 1 wherein the one or more locations in the community includes a network site and at least one remote receiver.
11. The community information and news flow network of claim 1 wherein the community event includes a baseball game of a baseball league, a soccer game, a basketball game, and a football game.
12. A computer-implemented method to generate information about an event in a community information and news flow network comprising the steps of:
 - receiving data about a community event;
 - transforming the data into a format for viewing at one or more locations in the community; and
 - transforming a portion of the data into print-ready verbiage.
13. The computer-implemented method of claim 12 further comprising the step of wirelessly sending the transformed data to a remote receiver.
14. The computer-implemented method of claim 12 further comprising the step of enabling a user to manually enter data about the community event.
15. The computer-implemented method of claim 12 wherein the step of transforming a portion of the data comprises the step of:
 - parsing the data to obtain information regarding the community event;
 - selecting at least one text option to use to display the information;
 - adding the information to the at least one text option to create a part of the print-ready verbiage; and

combining the part of the print-ready verbiage to other parts of the print-ready verbiage to form the print-ready verbiage.

16. The computer-implemented method of claim 12 further comprising the step of providing at least one device to a selected user to use to track the community event.

17. The computer-implemented method of claim 12 further comprising the step of sending the transformed data to at least one of a network site and a remote receiver.

18. The computer-implemented method of claim 17 wherein the step of sending the data comprises the step of wirelessly sending the transformed data to the at least one of the network site and the remote receiver.

19. A device for use with the community information and news flow network of claim 1 comprising:

a score keeping mechanism; and

a wireless interface in communication with the score keeping mechanism, the wireless interface transmitting data to the on-site scoring/statistics module.

20. The device of claim 19 wherein the wireless interface comprises a software module that directs an existing interface to transmit data to the on-site scoring/statistics module.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/967,693	12/31/2007	William R. Dunbar	506049	7486
53609	7590	10/04/2010	EXAMINER	
REINHART BOERNER VAN DEUREN P.C. 2215 PERRYGREEN WAY ROCKFORD, IL 61107			HERNDON, HEATHER R	
			ART UNIT	PAPER NUMBER
			2176	
			NOTIFICATION DATE	DELIVERY MODE
			10/04/2010	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):

RockMail@reinhartlaw.com



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REINHART BOERNER VAN DEUREN P.C.
2215 PERRYGREEN WAY
ROCKFORD IL 61107

In re Application of: W. DUNBAR
Application No. 11/967693
Atty Docket #: 506049
Filed: December 31, 2007
For: **COMMUNITY INFORMATION AND
NEWS FLOW NETWORK**

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(a)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (**PCT-PPH**) pilot program and the petition under 37 CFR 1.102(a), filed August 13, 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 national stage entry of the corresponding PCT application
- Or
- (b) a national application which forms the basis for the priority claim in the corresponding PCT application
- Or
- (c) a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application
- Or
- (d) a national application claiming foreign domestic priority to the corresponding PCT application.
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.
- Or
- (e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and

b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of:

a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

(6) Applicant must submit a copy of:

a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
b. an English translation of the claims and
c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:

- a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, (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);

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



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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

MAILED

SEP 21 2010

In re Application of
Ramadass et al.
Application No. 11/967,714
Filed: December 12, 2005
Attorney Docket No. TI-65324

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 29, 2010, and supplemented on September 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, December 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 March 16, 2010. A Notice of Abandonment was mailed July 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 \$1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to Technology Center 2838 for further examination on the merits

Alicia Kelley
Petitions Examiner
Office of Petitions



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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

MAILED
SEP 12 2011
OFFICE OF PETITIONS

In re Application of :
LEIPOLD, et al :
Application No. 11/967,879 : **DECISION ON PETITION**
Filed: December 31, 2007 :
Docket No. TI-62031 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 17, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 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 January 16, 2011. A Notice of Abandonment was mailed June 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 an amendment, (2) the petition fee of \$1620; and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that “the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.” Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2835 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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INTEL CORPORATION
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS MN 55402

MAILED

MAR 20 2012

OFFICE OF PETITIONS

In re Application of :
Maor :
Application No. 11/967,948 : **DECISION ON PETITION**
Filed: December 31, 2007 :
Attorney Docket No.P25460 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 20, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed December 6, 2010. The Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on March 7, 2011. A Notice of Abandonment was mailed on July 29, 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 \$1860.00, and (3) a statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR §10.18(b). In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR §1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that Petitioner herein was ever empowered to prosecute the instant application. If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. However, all future correspondence will be mailed solely to the correspondence address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 2438 for appropriate action by the Examiner in the normal course of business on the reply received



Charlema Grant
Attorney Advisor
Office of Petitions

Cc: Jamilla Holomn
13231 Champion Forest Dr., Ste. 410
Houston, TX 77069



INTERNATIONAL IP LAW GROUP, P.L.L.C.
C/O CPA GLOBAL
P.O. BOX 52050
MINNEAPOLIS MN 55402

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APR 02 2012

OFFICE OF PETITIONS

In re Application of :
Moshe Maor :
Application No. 11/967,960 :
Filed: December 31, 2007 :
Attorney Docket No: **P25461 INTC:1007** :

ON PETITION

This is a decision on the petition filed March 13, 2012 under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned May 19, 2011 for failure to timely reply to the non-Final Office Action mailed February 18, 2011 within the shortened statutory period of three months set for reply. Accordingly, a Notice of Abandonment was mailed September 14, 2011.

This matter is being referred to Technology Center 2453 for appropriate action on the response file March 13, 2012.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison Ball
Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).



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FOX ROTHSCHILD, LLP
Pittsburgh
997 Lenox Drive, Bldg. #3
Lawrenceville NJ 08648

MAILED

FEB 13 2012

OFFICE OF PETITIONS

In re Application of :
Charles E.S. Roberts :
Application No. 11/967,964 :
Filed: December 31, 2007 :
Attorney Docket No. 73558-00001 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed December 27, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40.

The request was signed by Dennis Carleton on behalf of all attorneys of record who are associated with Customer Number 67524.

All attorneys/agents associated with Customer Number 67524 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed to first named inventor Charles E.S. Roberts all future correspondence will be directed to the address indicated below.

There is no outstanding Office action mailed that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: CHARLES E. S. ROBERTS
21 ALBEMARLE STREET
THE ROYAL INSTITUTION OF GREAT BRITAIN
LONDON ENG W1S 4BS GB UNITED KINGDOM



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/967,964	12/31/2007	Charles E. S. Roberts	73558-00001

67524
FOX ROTHSCHILD, LLP
Pittsburgh
997 Lenox Drive, Bldg. #3
Lawrenceville, NJ 08648

CONFIRMATION NO. 7927
POWER OF ATTORNEY NOTICE



Date Mailed: 02/09/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/27/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/967,989	12/31/2007	Kristiina Wachaciac	011091.54952D1	7968
23911	7590	09/08/2011	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			MOORE, SUSANNA	
			ART UNIT	PAPER NUMBER
			1624	
			MAIL DATE	DELIVERY MODE
			09/08/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



SEP 08 2011

United States Patent and Trademark Office

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Joseph D. Evans
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

In re Application of :
Warhaelae et al :Decision on Petition
Serial No.: 11/967,989 :
Filed : 31 December 2007 :
Attorney Docket No.: 011091-54952D1 :

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 24 May 2011 requesting reconsideration of the restriction requirement mailed 29 April 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 described in Chapter 800.

On 29 April 2010, the examiner set forth a restriction requirement which divided claims 1-12 into four groups based upon the R1 and R2 variable of Formula II and required a further election of species if Group IV is elected.

On 2 July 2010, following an interview with applicants, the examiner withdrew the first restriction requirement and then set forth a second restriction requirement, dividing the claims 1-12 into five groups based upon the R1 and R2 variables, the heterocyclic ring size and the

number of nitrogen atoms in the heterocyclic ring. An election of species was required for any group elected.

On 30 September 2010, applicants elected, with traverse, Group II, and the species of 1, 2, 7, 8, 9, 10, 11, 13-octahydro-13-oxo-4-(ethylthio)[1]benzothieno [2'3';4,5]-pyrimido-[1,2-a]asepine-3-carboxaldehyde.

On 24 November 2010, the examiner mailed to applicants a non-final Office action in which the traversal was considered, and the requirement was made final. Claim 6 was withdrawn from consideration under 37 CFR 1.142(b) as being directed to non-elected subject matter.

Claims 1 and 22 were rejected under 35 U.S.C. 112, 1st paragraph for scope of enablement, for not providing enablement for preparing any and all unknown solvates and derivatives. Claims 1-6, 8-10 and 22 were rejected under 35 U.S.C. 112, 2nd. The examiner indicated that claims 1-6, 8-10 and 22 would be allowable if the claims were amended to overcome the 112 rejections and to be rewritten solely to the elected compounds. Claims 1-5 were rejected under 35 U.S.C. 112, 2nd paragraph. Claims 1-5 and 7-12 were rejected under 35 U.S.C. 102(a) as being anticipated by Kapustina et al.

On 24 May 2011, applicants filed a response to the final Office action along with this petition.

DISCUSSION

The file history and petition have been considered carefully.

The petition points out that the examiner has placed Markush claims into separate 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.

Further, it is noted that on 9 February 2011, the Office issued a Federal Register Notice entitled "Supplemental Examination Guidelines for Determining Compliance with 35 U.S.C. 112 and for treatment of Related Issues in Patent Applications." Page 7166 sets forth guidelines for the treatment of Markush-type claims:

"Under principles of compact prosecution, the examiner should also require the applicant to elect a species or group of indistinct species for search and examination (i.e., an election of species). If the examiner does not find the species or group of indistinct species in the prior art, then the examiner should extend the search to those additional species that fall within the scope of a permissible Markush claim. In other words, the examiner should extend the search to the species that share a single structural similarity and a common use. The improper Markush claim should be examined for patentability over the prior art with respect to the elected species or group of indistinct species, as well as the species that share a single structural similarity and a common use with the elected species or group of indistinct species (i.e., the species that would fall within the scope of a proper Markush claim)."

In view of these new guidelines and guidance in MPEP 803.02, the restriction requirement between the embodiments of the Markush claims (Groups I-V) is found to be unwarranted and is hereby replaced with a provisional election of species requirement.

DECISION

For these reasons, the petition filed under 37 CFR 1.144 on 11 July 2011 is **GRANTED** follows.

The intra-claim restriction requirement made between Groups I-V on 2 July 2010 has been withdrawn and replaced with an election of species requirement.

The application will be forwarded to the examiner to consider the papers filed 24 May 2011, and to prepare an Office action consistent with this petition 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.



Remy Yucel
Director, Technology Center 1600



MINDRAY C/O STOEL RIVES LLP
201 S. MAIN STREET
SUITE 1100
SALT LAKE CITY UT 84111

MAILED

JAN 13 2011

OFFICE OF PETITIONS

In re Patent No. 7,598,385 :
Issued: October 6, 2009 :
Application No. 11/967,991 :
Filed: December 31, 2007 :
Attorney Docket Number: 38739/118 :

ON PETITION

This is a decision on the REQUEST TO CORRECT ASSIGNEE UNDER 37 CFR 3.81(B), filed April 28, 2010, to correct the assignees' names on the front of the Patent.

The petition is **DISMISSED**.

Petitioner argues that there are two assignees, that the name of only one assignee, SHENZHEN MINDRAY BIOMEDICAL ELECTRONICS CO., LTD., was included on the Issue Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee on August 28, 2009. Accordingly, petitioner requests that a certificate of correction be issued to reflect the name of the other assignee, DALIAN UNIVERSITY OF TECHNOLOGY, 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.

U.S. Patent and Trademark Office assignment records disclose that an assignment was submitted for recordation on December 31, 2007 and that the information provided on the Recordation Form Cover Sheet was recorded. However, while the assignment may have listed two assignees, the Recordation Form Cover Sheet only listed one assignee.

Petitioners are cautioned that only one conveyance per recordation form cover sheet is accepted, as a result, the information regarding the second assignee was not recorded.

The patent grant was issued October 6, 2009. Subsequent to the date the patent issued, petitioners filed the Recordation Form Cover Sheet for the remaining assignment on March 30, 2010.

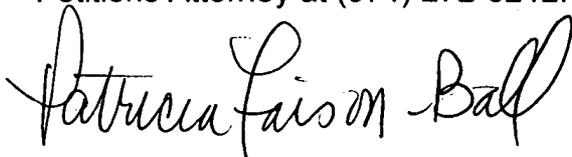
Petitioner may seek to correct the assignment records with the Assignments Branch, however, since there is no evidence that the assignment with respect to DALIAN UNIVERSITY OF TECHNOLOGY was submitted for recordation until after issuance of this patent, issuance of a certificate of correction would not be proper since the assignment was recorded precisely as filed and the patent issued in the name of the assignee as it was indicated on the Issue Fee Transmittal.¹

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

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹See also MPEP 307.

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.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

Attorney Docket Number: 47004.000504

Application Number: 11/968,018

Filing Date (or 371(b) or (f) Date): 12/31/2007

Patent Number: 7,766,244

Issue Date: 08/03/2010

First Named Inventor: Manning R. Field

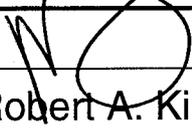
Title: System And Method For Processing Transactions Using A Multi-Account Transactions Device

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature 	Date October 4, 2010
Name (Print/Typed) Robert A. King	Registration Number 42,738
Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.	
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.	

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 10 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

Mail Date: 10/13/2010

Applicant : Manning R. Field : DECISION ON REQUEST FOR
Patent Number : 7766244 : RECALCULATION of PATENT
Issue Date : 08/03/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/968,018 : OF WYETH
Filed : 12/31/2007 :
:

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.



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SCHRAMM-AXIAL
AXIAL BIOTECH, INC.
2749 EAST PARLEYS WAY #200
SALT LAKE CITY UT 84109

MAILED
AUG 12 2011
OFFICE OF PETITIONS

In re Application of :
Nelson et al. :
Application Number: 11/968,046 : DECISION ON PETITION
Filing or 371(c) Date: 12/31/2007 :
Attorney Docket Number: ABI-0001 :

This is a decision on the petition, filed on August 2, 2011, which is treated as a petition under 37 CFR 1.78(a)(3) and (a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§ 365(c), 120, and 119(e) for the benefit of priority to the prior-filed international and provisional applications set forth in the concurrently filed amendment.

The petition under 37 CFR 1.78(a)(3) and (a)(6) is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a

reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. In this case, the international applications have not been properly identified by application number. Specifically, the two-letter country identifier code has been omitted from the international application number. (e.g., PCT/US2007/078127). For example, where a nonprovisional application is claiming the benefit under 35 U.S.C. 120 of a prior national stage application under 35 U.S.C. 371, a suitable reference would read "This application is a continuation of U.S. Application No. 08/---, which was the National Stage of International Application No. PCT/DE95/---, filed ---." See MPEP 201.11 Reference to Prior Applications. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a substitute 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

A reply may also be filed via the EFS-Web system of the USPTO.

Any questions concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.


Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration



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SALT LAKE CITY UT 84109

MAILED

SEP 28 2011

OFFICE OF PETITIONS

In re Application of :
Nelson et al. :
Application Number: 11/968,046 : DECISION ON PETITION
Filing Date: 12/31/2007 :
Attorney Docket Number: ABI-0001 :

This is a decision on the RENEWED PETITION UNDER 37 CFR § 1.78(a)(3) TO ACCEPT UNTENTIONALLY DELAYED CLAIM FOR PRIORITY, filed on September 22, 2011, which is treated as a renewed petition under 37 CFR 1.78(a)(3) and (a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§ 365(c), 120, and 119(e) for the benefit of priority to the prior-filed international and provisional applications set forth in the concurrently filed amendment.

The petition under 37 CFR 1.78(a)(3) and (a)(6) is again **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The

relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application.

In this case, the amendment filed with the renewed petition improperly states that the subject application is a national stage application of international Application Nos. PCT/US2007/072785, PCT/US2007/078127, and PCT/US2007/081953. The subject application was filed under 35 U.S.C. 111(a), not under the national stage procedures set forth at 35 U.S.C. 371, and is not a national stage application. As such, the relationship identifiers are incorrect. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

Further correspondence with respect to this matter should be addressed as follows:

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By fax: (571) 273-8300
 ATTN: Office of Petitions

A reply may also be filed via the EFS-Web system of the USPTO.

Any questions concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.



Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration



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SCHRAMM—AXIAL
AXIAL BIOTECH, INC.
2749 EAST PARLEYS WAY #200
SALT LAKE CITY UT 84109

MAILED
OCT 27 2011

OFFICE OF PETITIONS

In re Application of	:
Nelson et al.	:
Application Number: 11/968,046	: DECISION ON PETITIONS
Filing Date: 12/31/2007	: UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket Number: AB1-0001	:

This is a decision on the renewed petition, filed on October 12, 2011, which is treated as a petition filed under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§365(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. §§ 365(c), 120, and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed applications, 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 international 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. §§ 365(c) 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. §§365(c) and 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 Senior Petitions Attorney Douglas I. Wood at (571) 272-3231. 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 1634 for consideration by the examiner of the claim under 35 U.S.C. §§ 365(c), 120, and 119(e) of the prior-filed international and provisional applications.



Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

ATTACHMENT : Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/968,046, 12/31/2007, 1634, 4265, ABI-0001, 110, 9

CONFIRMATION NO. 8095

CORRECTED FILING RECEIPT



73916
Schramm-Axial
Axial Biotech, Inc.
2749 East Parleys Way #200
Salt Lake City, UT 84109

Date Mailed: 10/26/2011

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)

Lesa M. Nelson, Park City, UT;
Kenneth Ward, Salt Lake City, UT;

Assignment For Published Patent Application

Axial Biotech, Inc.

Power of Attorney:

Michael Schramm--56441

Domestic Priority data as claimed by applicant

This application is a CON of PCT/US2007/072785 07/03/2007
which claims benefit of 60/825,260 09/11/2006
and claims benefit of 60/806,498 07/03/2006
This application 11/968,046
is a CON of PCT/US2007/078127 09/11/2007
and is a CON of PCT/US2007/081953 10/19/2007
and said PCT/US2007/078127 09/11/2007
claims benefit of 60/825,249 09/11/2006
and said PCT/US2007/081953 10/19/2007
claims benefit of 60/862,276 10/20/2006

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.)
UNITED STATES OF AMERICA PCT/US2007/078127 09/11/2007

If Required, Foreign Filing License Granted: 01/23/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/968,046**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: Yes

**** SMALL ENTITY ****

Title

Method of Determining Predisposition to Scoliosis and Uses Thereof

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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Morgan Lewis & Bockius LLP/ AI
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto CA 94306

MAILED

MAY 09 2011

In re Application of : **OFFICE OF PETITIONS**
Lemay et al. :
Application No. 11/968,067 : **RESPONSE TO PETITION**
Filed: December 31, 2007 :
Attorney Docket No. P4976US1/63266-5116- :
US :

This is a response to the petition under 37 CFR 1.59(b), filed March 15, 2011, to expunge information from the above identified application.

The petition is **granted**.

On March 14, 2011, an Amendment Response to an Office Action was filed in the above-identified application. The amendment was intended for U.S. Application No. 11/849,938 but was matched with the above identified application. Petitioner now requests that this amendment be removed from the file of the above identified application.

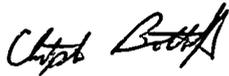
Upon a showing satisfactory to the Director, information, other than that forming part of the original disclosure, may be expunged from an application. Since the Office can determine the correct application file for which the erroneously filed papers were intended from the other identifying information on the papers, the papers will be removed as requested.

In a paper file, the unintentionally submitted exhibits could, but not necessarily would, have been physically removed from the file wrapper and returned to applicant. However, this is not the practice for electronic documents, for which the corresponding action is to close the electronic copy of the document and also remove such from the listing of "Public[ly available] Documents." It is agreed that it would be appropriate in this instance to close the unintentionally filed Amendment (EFS ID: 9656325) filed March 14, 2011 in the above identified application, and also remove such from the listing of publicly available documents for this Image File Wrapper (IFW).

In regard to the requested refund of the two month extension of time, \$490.00 was charged by mistake to the above identified application in association with the Amendment. Accordingly \$490.00 will be refunded to the designated Deposit Account. An additional \$490.00 was charged

for a two month extension of time in relation to a response also filed for the above identified application on March 14, 2011, and this payment will not be disturbed.

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-6692.



Christopher Bottorff
Petitions Examiner
Office of Petitions



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JUN 13 2011

OFFICE OF PETITIONS

HONEYWELL/HUSCH
PATENT SERVICES
101 COLUMBIA ROAD
PO BOX 2245
MORRLSTOWN NJ 07962

In re Application of :
Wu, et al. :
Application No. 11/968,094 : DECISION REFUSING STATUS
Filed: December 31, 2007 : UNDER 37 CFR 1.47(a)
Attorney Docket No. H0016125 :

This is in response to the petition under 37 CFR 1.47(a), filed May 18, 2011.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is 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 below, except that the reply may include an oath or declaration executed by the non-signing inventors. **Failure to respond will result in abandonment of the application.** 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 inventor(s) 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 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s). The instant petition does not satisfy item (1).

The petition has provided no statement of facts to support the conclusion that non-signing inventor Wu could not be reached

after diligent effort. Petitioner has stated that "[a]fter ending employment with the Assignee, the Inventor left no future contact information, and no one currently employed with the Assignee knows of any current contact information for the Inventor. Thus, despite a diligent effort to find the inventor, the Inventor can not be found." Petitioner is directed to the Manual of Patent Examining Procedure § 409.03(d), which states:

It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 U.S.P.Q. 80 (Comm'r Pat. 1956).

On renewed petition, petitioner must establish that a copy of the application papers was forwarded to the non-signing inventor. If no response is received from the non-signing inventor, this will be construed as a refusal to sign. However, if the application papers are returned as undeliverable, then petitioner must undertake a search for the non-signing inventor. Any petition under Rule 47 must set forth the steps that were taken to locate the non-signing inventor, and not merely the conclusion that he could not be located.

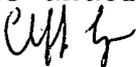
As a petition under Rule 47 requires a petition fee of \$200, that fee has been charged to Deposit Account No. 23-0920, as authorized.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571)273-8300
 Attn: Office of Petitions

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.


Cliff Congo
Petitions Attorney
Office of Petitions



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PO BOX 2245
MORRLSTOWN NJ 07962

MAILED
AUG 23 2011
OFFICE OF PETITIONS

In re Application of :
Wu, et al. :
Application No. 11/968,094 : DECISION REFUSING STATUS
Filed: December 31, 2007 : UNDER 37 CFR 1.47(a)
Attorney Docket No. H0016125 :

This is in response to the renewed petition under 37 CFR 1.47(a),
filed August 12, 2011.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is 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 below, except that the reply may include an
oath or declaration executed by the non-signing inventors.
Failure to respond will result in abandonment of the application.
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 inventor(s) 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 37 CFR 1.63;
(3) the petition fee; and (4) a statement of the last known
address of the non-signing inventor(s). The instant petition
does not satisfy item (2).

On renewed petition, Rule 47 applicant has successfully
demonstrated that a copy of the application papers was forwarded

to inventor Wu for his execution of the declaration, but as of the mail date of the petition, no declaration from Wu had been received.

However, Rule 47 applicant has not submitted a proper 37 CFR 1.63 declaration. The declaration submitted on filing was previously determined by the Examiner to be defective. Accordingly, on renewed petition, Rule 47 applicant must submit a new oath or declaration. An oath or declaration with the signature block for inventor Wu left blank and executed by the remaining inventors will be treated as those inventors having signed on behalf of Wu.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571)273-8300
 Attn: Office of Petitions

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



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MAILED
OCT 28 2011

OFFICE OF PETITIONS

In re Application of :
Wu, et al. :
Application No. 11/968,094 : DECISION ACCORDING STATUS
Filed: December 31, 2007 : UNDER 37 CFR 1.47(a)
Attorney Docket No. H0016125 :

This is in response to the renewed petition under 37 CFR 1.47(a), filed October 24, 2011.

The petition under 37 CFR 1.47(a) is **GRANTED**.

On renewed petition, Rule 47 applicant has submitted a proper 37 CFR 1.63 declaration, executed by inventors Helland and Green, but with the signature block for inventor Wu left blank.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address provided in the previously filed petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to Group Art Unit 3662 to await applicants' reply to the final Office action, mailed August 4, 2011.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.


Cliff Congo
Petitions Attorney
Office of Petitions



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OCT 28 2011
OFFICE OF PETITIONS

XIAODONG WU
29625 CANWOOD ST
AGOURA HILLS CA 91301

In re Application of	:	
Wu, et al.	:	
Application No. 11/968,094	:	
Filed: December 31, 2007	:	LETTER
Title: Anti-Mask Motion Sensor	:	

Dear Mr. Wu:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 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 joint 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, agent of record 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.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. 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 (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions



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GE AVIATION
ONE NEUMANN WAY MD F16
CINCINNATI OH 45215

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Bult :
Application No. 11/968,104 :
Filed: December 31, 2007 :
Attorney Docket No. 227921-2 :

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 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 June 16, 2008 for failure to timely submit a proper reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed April 15, 2008. The Notice set a two month shortened statutory period of time for reply. Notice of Abandonment was mailed December 16, 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 fails to satisfy requirement (1) set forth above. While petitioner has submitted an executed declaration in response to the Notice mailed April 15, 2008, petitioner has failed to submit the required surcharge. Any request for reconsideration must be accompanied by the required surcharge for late filing of oath or declaration.

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.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions



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GENERAL ELECTRIC COMPANY
Global Patent Operation-Aviation
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STE 648
Shelton CT 06484

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MAR 01 2011
OFFICE OF PETITIONS

In re Application of :
Bult :
Application No. 11/968,104 : **ON PETITION**
Filed: December 31, 2007 :
Attorney Docket No. 227921-2 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 14, 2011, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned June 16, 2008 for failure to timely submit a proper reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed April 15, 2008. The Notice set a two month shortened statutory period of time for reply. Notice of Abandonment was mailed December 16, 2008. A petition was filed August 5, 2010 and dismissed November 22, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being forwarded to the Office of Patent Application Processing for further processing.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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Global Patent Operation-Aviation
2 Corporate Drive
STE 648
Shelton CT 06484

MAILED

MAR 01 2012

OFFICE OF PETITIONS

In re Application of :
Jeff Bult :
Application No. 11/968104 : **ON PETITION**
Filed: 12/31/2007 :
Attorney Docket No. 227921-2 :

This is in response to the petition under 37 CFR 1.137(b), filed February 23, 2012, 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 November 10, 2011 mailing date of the Notice of Allowance and Fees Due. The Office mailed a Notice of Abandonment on February 27, 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 and publication fees, a RCE and fee, and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 2835 for processing of the RCE and for appropriate action by the Examiner on the IDS submitted in accordance with 37 CFR 1.114.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10/28/11

TO SPE OF : ART UNIT 2611

SUBJECT : Request for Certificate of Correction for Appl. No.: 11968105 Patent No.: 8023557

CofC mailroom date: 10/20/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

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.

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: _____

Chet McFar 2611

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.
11/968,107	12/31/2007	Roy Shkedi	14-TV2	8258

26362 7590 09/29/2010
LOUIS J. HOFFMAN, P.C.
11811 North Tatum Boulevard, Suite 2100
Phoenix, AZ 85028

EXAMINER

PARRY, CHRISTOPHER L

ART UNIT	PAPER NUMBER
2421	

2421

NOTIFICATION DATE	DELIVERY MODE
09/29/2010	ELECTRONIC

09/29/2010

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):

Louis@valuablepatents.com
donald@valuablepatents.com
shaelyn@valuablepatents.com



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Louis J. Hoffman, P.C.
11811 North Tatum Boulevard, Suite 2100
Phoenix AZ 85028

In re Application of: Roy Shkedi et al.
Application No. 11/968,107
Filed: December, 31 2007
For: **TELEVISION ADVERTISEMENT
PLACEMENT MORE RESISTANT TO
USER SKIPPING**

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(d)

MAILED

SEP 29 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 28, 2010, to make the above-identified application special.

The petition is **DISMISSED AS MOOT**.

A grantable request to participate in the PCT PPH program and petition to make special require:

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

- (a) The U.S. application is a national stage entry of the corresponding PCT application.
- (b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.
- (c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.
- (d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.
- (e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

- (2)** The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.
- (3)** All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.
- (4)** Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.
- (5)** Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.
- (6)** Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.
- (7)** Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WOISA, WOIPEA, PER) of the PCT.
- (8)** Applicant must submit a petition fee under 37 CFR 1.17(h) for the petition to make special under 37 CFR 1.102(d).
- (9)** The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Application SN 11/968,107
Decision on Petition

The request to participate in the PPH pilot program and petition does not meet the requirement set forth in item (4) above, because examination of the application has already begun. A first Office action has already been issued on August 18, 2010.

Since examination of the application has already begun, the Petition is **DISMISSED AS MOOT**.

Telephone inquiries concerning this decision should be directed to Christopher Grant at 571-272-7294

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>.

/Christopher Grant/
Christopher Grant
Quality Assurance Specialist
Technology Center 2400



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Alexandria, VA 22313-1450
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AUG 04 2010

LOUIS J. HOFFMAN, P.C.
11811 North Tatum Boulevard, Suite 2100
Phoenix AZ 85028

In re application of: _____ : **DECISION ON REQUEST TO**
Shkedi, Roy, et al. : **PARTICIPATE IN PATENT**
Application No.: 11/968,117 : **PROSECUTION HIGHWAY**
Filed: December 31, 2007 : **PROGRAM AND PETITION**
For: TARGETED ONLINE ADVERTISEMENTS : **TO MAKE SPECIAL UNDER**
BASED ON VIEWING OR INTERACTING : **37 C.F.R. 1.102(d)**
WITH TELEVISION ADVERTISEMENTS

This is a decision on the request filed June 1, 2010 to participate in the Patent Prosecution Highway Program (PPH). Based on the relationship between the instant application and its corresponding PCT application, this request will be treated as a request to participate in the pilot Patent Prosecution Highway (PPH) program between the USPTO and the KIPO based on PCT treaty work products and the petition under 37 C.F.R. § 1.102(d) to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in this PPH pilot program and petition to make special require (see 1355 OG 319):

- (1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following requirements:
 - (a) The U.S. application is a national stage entry of the corresponding PCT application.
 - (b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.
 - (c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.
 - (d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) through (d) scenarios.

2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely, the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

(3) Claim Correspondence:

(a) All of the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and be free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(b) Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format requirements, the claims in the U.S. application are of the same or similar scope as the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application, or the claims in the U.S. application are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(c) In this regard, a claim that is narrower in scope occurs when a claim indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application is amended to be further limited by an additional feature that is supported in the written description of the U.S. application. The claim(s) with the narrower scope must be written in dependent form in the U.S. application for which participation in the PCT-PPH pilot program is requested.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must file a request for participation in the PCT-PPH pilot program and a request that the U.S. application be advanced out of turn for examination by order of the Director to expedite the business of the Office under 37 CFR 1.102(a).

(6) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language. A statement that the English translation is accurate is not required. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. Where the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above, applicant need not submit a copy of the latest international work product along with an English translation thereof since a copy of these documents is already contained in the file wrapper of the U.S. application.

(7) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(8) Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

(9) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application corresponding to the U.S. application for which participation in the PCT-PPH pilot program is requested (unless such an IDS has already been filed in the U.S. application, in which case applicant may simply refer to the previously filed IDS and indicate in the request for participation in the PCT-PPH pilot program when the IDS was previously filed in the U.S. application). Applicant must submit copies of all the documents cited in the international work products of the PCT application corresponding to the U.S. application (unless the copies have already been filed in the U.S. application, in which case applicant may simply refer to the previously filed copies of the documents and indicate in the request for participation in the PCT-PPH pilot program when the copies were previously filed in the U.S. application) except U.S. patents or U.S. patent application publications.

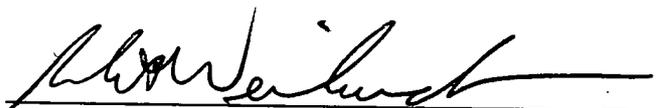
(10) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy."

In light of the petition and supporting submissions filed June 1, 2010 and the IDS of July 23, 2009, the request to participate in the PPH program complies with the above requirements and the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

All other queries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system or the examiner of record in the application.



Robert Weinhardt
Business Practice Specialist
Technology Center 3600

RW/8/3/10



LATIMER, MAYBERRY & MATTHEWS IP LAW, LLP
Suite 106
13873 Park Center Road
Herndon VA 20171

MAILED
MAR 11 2011
OFFICE OF PETITIONS

In re Application of :
Hogrefe, et al. : DECISION ON PETITION
Application No. 11/968,152 :
Filed: December 31, 2007 :
Atty. Dkt. No.: STG-188 :

This decision is in response to the petition under 37 CFR 1.137(b), filed February 9, 2011.

The petition is **GRANTED**.

The application became abandoned August 8, 2010 for failure to timely submit a proper reply to the non-final Office action mailed May 7, 2010. The non-final Office action set a three month shortened statutory period of time for reply. No petition for extension of time under 37 CFR 1.136(a) was timely filed. Notice of Abandonment was mailed December 7, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, practitioner's signature appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If practitioner desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to practitioner, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

This application is being forwarded to Group Art Unit 1652 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

CC: Matthew Latimer
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191



MAILED

SEP 22 2010

OFFICE OF PETITIONS

RECHES PATENTS
211 North Union St.
Suite 100
Alexandria VA 22314

In re Application of
Nanikashvili, et al. :
Application No. 11/968,224 : DECISION REFUSING STATUS
Application Received: January 2, 2008 : UNDER 37 CFR 1.47(a) and
Atty. Dkt. No.: P-71634-US3 : DISMISSING PETITION UNDER
: 37 CFR 1.137(b)

This decision is in response to the renewed petition under 37 CFR 1.137(b) and the petition under 37 CFR 1.47(a) filed March 22, 2010.

DECISION UNDER 37 CFR 1.137(b)

The above-identified application was filed January 2, 2008 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed August 12, 2008. The Notice required, *inter alia*, a surcharge and an executed oath or declaration. The Notice set a two month period of time for reply and indicated that extensions of time pursuant to 37 CFR 1.136(a) were available. Absent a timely reply to the Notice, the application became abandoned October 13, 2008. This decision precedes Notice of Abandonment.

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 has been carefully reviewed and found in compliance with the provisions set forth above. Accordingly, the petition under 37 CFR 1.137(b) is hereby **GRANTED**.

DECISION UNDER 37 CFR 1.47(a)

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor has refused to sign the declaration after having been presented with the application papers for the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

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

Reuven Nanikashvili
51/57 Atzmaut St.
Ashdod 77452
ISRAEL

MAILED

SEP 22 2010

OFFICE OF PETITIONS

In re Application of
Nanikashvili, et al.
Application No. 11/968,224
Application Received: January 2, 2008
Atty. Dkt. No.: P-71634-US3

Dear Sir:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

cc: RECHES PATENTS
211 North Union St.
Suite 100
Alexandria VA 22314



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

LAW OFFICES OF DONALD COX
P.O. BOX 505
PRINCETON NJ 08542-0505

MAILED
NOV 07 2011

OFFICE OF PETITIONS

In re Application of :
Simon Richmond : DECISION ON PETITION
Application No. 11/968,504 : under 37 CFR 1.78
Filed: January 2, 2008 :
Atty Docket No. AIL1682-1-013CIP :

This is a decision on the PETITION UNDER 37 C.F.R. §1.78(a) filed October 3, 2011, to accept the unintentionally delayed claim under 35 U.S.C. 120 and 119(e) for the benefit of application Nos. 11/755,917, which claims the benefit of provisional application No. 60/811,137; and 11/420,160, which also claims the benefit of provisional application No. 60/642,382.

The petition under §1.78(a)(3) and (6) is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) and (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 (5)(ii), and must be filed during the pendency of the nonprovisional application. In addition, the petition under 37 CFR § 1.78(a)(3) and (6), must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR § 1.78(a)(2)(i) and 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i), respectively, of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and

- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 37 CFR 1.78(a)(5)(ii), respectively, and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The instant application was filed after November 29, 2000. A review of the application as filed reveals that the claim for priority set forth on petition was not submitted on filing in the first sentence of the specification or in an application data sheet. Only a proper and timely benefit claim was made to application No. 11/303,247, which claims the benefit of provisional application No. 60/642,382. The four and sixteen-month periods specified in 37 CFR 1.78(a)(5)(ii) have expired without the additional claims being made. Thus, the instant petition is appropriate. In addition, the petition includes the required statement of unintentional delay and the required surcharge.

On petition, a reference to the prior-filed nonprovisional applications has been included in an amendment, as required by 37 CFR 1.78(a)(2)(iii). The relationship of each of the nonprovisional applications is now properly set forth as a continuation-in-part.

With respect to 35 U.S.C. 119(e) and 37 CFR 1.78(a)(6), the claim for benefit of priority under 35 U.S.C. § 119(e) of provisional application no. 60/811,137 was made in intermediate application no. 11/755,917. The filing date of provisional application no. 60/811,137 for which priority is claimed is, June 5, 2006, which is within twelve months of the filing date of intermediate application No. 11/755,917 filed May 31, 2007.

Moreover, it has been determined that although the amendment to add the references to the first sentence of the specification is filed after the mailing of a notice of allowance (but before payment of the issue fee), no request for continued examination is required to grant this petition.

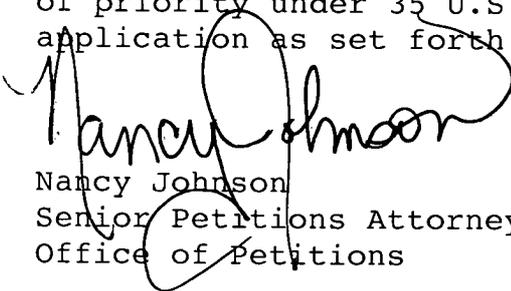
All of the above requirements having been satisfied, the late claim for benefit of priority to the prior-filed applications under 35 U.S.C. § 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR § 1.78(a)(3) and (6) should not 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 1.78(a)(1) and (a)(2) and 119(e) and 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3219. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center Art Unit 2475 for consideration by the examiner of the claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) of the prior-filed application as set forth in the amendment filed October 3, 2011.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/968,504, 01/02/2008, 2612, 800, AIL1682-1-013CIP, 14, 3

CONFIRMATION NO. 9044

CORRECTED FILING RECEIPT



28914
LAW OFFICES OF DONALD COX
P.O. BOX 505
PRINCETON, NJ 08542-0505

Date Mailed: 11/07/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Simon Nicholas Richmond, Princeton, NJ;

Power of Attorney: The patent practitioners associated with Customer Number 28914

Domestic Priority data as claimed by applicant

This application is a CIP of 11/303,247 12/16/2005 PAT 7,336,157 which claims benefit of 60/642,382 01/07/2005

This application 11/968,504 is a CIP of 11/755,917 05/31/2007 PAT 7,448,347 which claims benefit of 60/811,137 06/05/2006 and is a CON of 11/420,160 05/24/2006 PAT 7,708,424 and is a CON of 11/303,247 12/16/2005 PAT 7,336,157

Foreign Applications (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 01/23/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/968,504

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

ILLUMINATED WIND INDICATOR

Preliminary Class

340

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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**YOUNG & THOMPSON
209 MADISON STREET
SUITE 500
ALEXANDRIA VA 22314**

**MAILED
MAR 24 2011
OFFICE OF PETITIONS**

In re Application of :
Bianchi et al. : **DECISION ON PETITION**
Application No. 11/968,506 : **TO WITHDRAW**
Filed: January 2, 2008 : **FROM RECORD**
Attorney Docket No. 2507-1080-1 :

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**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on February 11, 2011 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

- (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
- (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
- (3) notified the client of any replies that may be due and the time frame within which the client must respond.

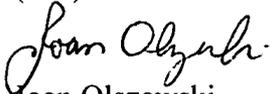
Petitioner has not complied with the above certifications.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed January 5, 2011 that requires a reply.

Further, 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.



Joan Olszewski
Petitions Examiner
Office of Petitions

cc: LIAM MCDOWELL
1061 DALEBROOK DRIVE
ALEXANDRIA, VA 22308



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**HOWSON & HOWSON LLP
501 OFFICE CENTER DRIVE
SUITE 210
FORT WASHINGTON PA 19034**

MAILED

NOV 17 2010

OFFICE OF PETITIONS

In re Application of :
Ben E. Boatwright et al. :
Application No. 11/968,580 :
Filed: January 2, 2008 :
Attorney Docket No. 4956-001A :

DECISION ON PETITION

This is a decision on the petition, filed July 16, 2010, which is being treated as a petition requesting that the requirement of 37 CFR 1.103(a) and (c) be waived or suspended pursuant to 37 CFR 1.183.

The petition is **dismissed**.

37 CFR 1.183 provides that in an extraordinary situation, when justice requires, any requirement of the regulations which is not a requirement of the statutes may be suspended or waived by the Commissioner.

Petitioner requests that the suspension term maximum of three months under 37 CFR 1.103(c) or the six month suspension term maximum under §1.103(a) be waived as those suspension terms would be inadequate in view of the long pendency of examination of a related reissue application SN 12/705,051.

There is no prohibition in the rules to filing multiple requests for suspensions of action. Petitioner can file for a suspension of action under 37 CFR 1.103 and near the end of the suspension period file a subsequent petition for suspension.

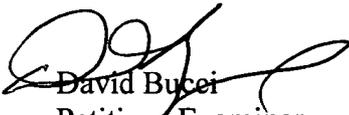
Thus, the Office has rules in place for providing suspension of action that extends beyond the three or six month maximum period under 37 CFR 1.103(c) and (a). The circumstances presented in the petition are not extraordinary circumstances where the interests of justice requires the granting of relief.

For this reason, the petition is dismissed.

It is noted that currently there is no petition to suspend action on the amendment filed July 16, 2010.

This application is being forwarded to Technology Center Art Unit 1798 for such action as may be appropriate.

Telephone inquiries regarding this communication should be directed to Carl Friedman at (571) 272-6842.



David Bucei
Petitions Examiner
Office of Petitions



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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Application of :
Thomas Quigley et al. :
Application No. 11/968,588 : **DECISION ON PETITION**
Filed: January 2, 2008 :
Attorney Docket No. 18395US02 :

This is a decision on the petition filed August 19, 2011, that is being treated under the provisions of 37 CFR 1.59(b), to expunge information from the above identified application.

The petition to expunge is **DISMISSED**.

Any request for reconsideration of this decision must include a cover letter entitled "Renewed Petition under 37 CFR 1.59(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Petitioner states that "On August 19, 2011, the Applicants erroneously filed, via EFS, a Response Under 37 C.F.R. 1.111, Application No. 12/138,209, including 18 pages in the above-captioned matter. After the "submit" button was clicked, it was realized that the above-mentioned papers should have been filed under a different application number, not as part of Application No. 11/968,588." Petitioner requests that "this response papers, and all copies (whether paper or electronic)" (hereafter referred to as "Request") be expunged from the record.

As an initial matter, petitioner should note that out of the documents associated with the Request, all the documents with the exception of "EFS Acknowledgment Receipt" had sufficient identifiers thereon to be associated with the other application number indicated on the documents. These documents have been closed, as of the mailing date of the decision, from the Image File Wrapper (IFW) record of the instant application thereby removing them from a list of publicly available documents associated with this application. The document "EFS Acknowledgement Receipt," filed August 19, 2011 had only the identifiers associated with the instant application and thus a petition under 37 CFR 1.59(b) is appropriate to consider its expungement from the instant application. The discussion below pertains to expungement of "EFS Acknowledgement Receipt" from the file record of the instant application.

A petition under 37 CFR 1.59 requires a fee of \$200 under 37 CFR 1.17(g) that is being charged to the Deposit Account 13-0017, as authorized.

The grant of a petition under 37 CFR 1.59 (b) to expunge information submitted in an incorrect application will be governed by the factors: (A) the Office can effect such return prior to the issuance of any patent on the application in issue; (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted; (C) the information has not otherwise been made public; (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted; (E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and (F) the petition fee as set forth in 37 CFR 1.17(g) is included. See MPEP 724.05 (III). The instant petition fails to satisfy the factors (B) and (D).

In regard to factors (B) and (D), the instant petition fails to include a statement that states (a) failure to obtain the return of the information submitted 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 (b) that there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted.

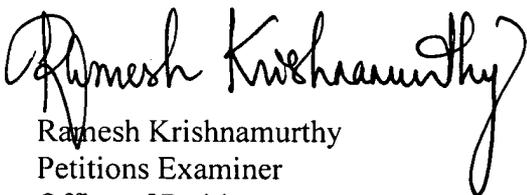
Further correspondence with respect to this matter should be addressed as follows:

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) 272-4914.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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**WILLIAM H. BOLLMAN
MANELLI SELTER PLLC
2000 M. STREET, N.W. 7TH FLOOR
WASHINGTON DC 20036-3307**

MAILED

NOV 28 2011

In re Application of
Michael A. Sheha et al
Application No. 11/968,630
Filed: January 2, 2008
Attorney Docket No. 20-357

:
:
: **OFFICE OF PETITIONS**
: **DECISION GRANTING PETITION**
: **UNDER 37 CFR 1.313(c)(2)**
:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 21, 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 October 20, 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 2614 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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SMITH RISLEY TEMPEL SANTOS LLC
Two Ravinia Drive
Suite 700
ATLANTA, GA 30346

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FEB 09 2012

OFFICE OF PETITIONS

In re Application of Sam Johnson :
Application No. 11/968,633 : Decision on Petition
Filing Date: January 2, 2008 :
Attorney Docket No. 20063.1012 :

This is a decision on the petition under 37 CFR 1.137(b) filed January 5, 2012, which requests revival of the application.

The petition is **granted**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 26, 2010, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on Tuesday, March 1, 2011. A Notice of Abandonment was mailed August 29, 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.¹

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 an amendment, (2) the required petition fee of \$930, and (3) the required statement of unintentional delay. Therefore, the petition is granted and the application is revived.

¹ A terminal disclaimer is also necessary if the application is a design application or if the application was filed on or before June 8, 1995.

Technology Center Art Unit 3718 will be informed of the instant decision and the application will be further examined 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



JIAN, SHIKUN
GOLDFIELD INDUSTRIAL CENTER
ROOM 813
1 SHUI WO ROAD
FOTAN, NEW TERRITORIES HK HONG KONG

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OCT 17 2011

OFFICE OF PETITIONS

In re Application of
Shikun Jian et al.
Application No. 11/968,634
Filed: January 2, 2008
Attorney Docket No. 19721

:
:
:
:
:

ON PETITION

This is a decision on the paper filed October 3, 2011, to withdraw the holding of abandonment, which is being treated under 37 C.F.R. § 1.181.

The petition to withdraw the holding of abandonment is **GRANTED**.

The application became abandoned by application of law for failure to file a timely response to the Final Office Action mailed March 15, 2011, which set a three (3) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. The instant petition and this decision precede the mailing of the Notice of Abandonment.

Petitioner asserts that a proper response in the form of a Request for Continued Examination (RCE) and a request to consider the previously filed amendment as the submission under 37 CFR 1.114 was filed on July 15, 2011. In support, petitioner submits a copy of the reply said to have been filed, which includes a certificate of mail dated July 15, 2011, pursuant to 37 CFR 1.8.

The evidence submitted corroborates a timely response to the Final Office Action with a one month extension of time. Accordingly, the holding of abandonment is withdrawn. No petition fee is due and none has been charged. The fee for the RCE and for the extension of time have been charged to the credit card provided.

This matter is being referred to Technology Center 3634 for appropriate action on the RCE and amendment previously filed on July 15, 2011, a copy of which was submitted with the instant petition.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date : 4/11/2012
Patent No. : 7,723,880 B2
Serial No. : 11/968,639
Inventor(s) : Dai
Issue Date : May 25, 2010
Title : HAND CRANK GENERATOR
File No. : US0791

Re: Consideration for Certificate of Correction

Consideration has been given your request for a certificate of correction, for the above-identified patent under the provisions of Rule 1.322.

Respecting the alleged error in your request, the requested change to the Assignee is/are due to an error on the part of the applicant as shown in PALM and on the issue fee transmittal in item 3 (B). No fee was associated with your request, therefore, no correction is in order here.

In view of the foregoing, your request in these matters is/are hereby denied.

Further consideration will be given concerning this matter upon authorization to charge a fee of \$100.00 from your PTO account, and should be filed and directed to Decisions & Certificates of Correction Branch.

Ernest C. White, *LIE* (571) 572-3385
Mary F. Diggs, *Supervisor* (703) 756-1580
Decisions & Certificates of Correction Branch
ernest.white@uspto.gov

HDLS Patent & Trademark Services
P.O. BOX 220746
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ECW



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**NORTH STAR INTELLECTUAL PROPERTY LAW, PC
P.O. BOX 34688
WASHINGTON DC 20043**

**MAILED
DEC 21 2010
OFFICE OF PETITIONS**

In re Patent No. :
Kyung-Geun LEE et al. :
Filed: January 03, 2008 : **DECISION ON PETITION**
Application No. 11/968,792 :
Attorney Docket No. 1101.0230C1C1C1 :

This is a decision on the petition filed July 02, 2010, requesting under 37 CFR 1.182 that the acceptance of the terminal disclaimer filed May 14, 2008 be withdrawn. The \$400.00 petition fee has been received.

The petition is **DISMISSED**.

Petitioner request that the terminal disclaimer of May 14, 2008 be withdrawn. Petitioner asserts that the terminal disclaimer is unnecessary because the terminal disclaimer was not filed in response to a double patenting reject, but was filed with the Preliminary amendment filed May 14, 2008 before any Office action had been issued. The terminal disclaimer should have been disapproved because the phrase "the legal title to said patent shall be the same as the legal title" was included rather than the phrase "said patent is commonly owned". However, a consultation with Examiner Van Pham in charge of this application indicates that the terminal disclaimer is necessary. Accordingly, the terminal disclaimer will not be withdrawn.

Telephone inquiries related to this decision should be addressed to Michelle R. Eason at (571) – 272-4231.

/Thurman K. Page/
Petitions Examiner
Office of Petitions



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P.O. BOX 34688
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JAN 04 2011

OFFICE OF PETITIONS

In re Application of :
Kyung-Geun LEE et al : CORRECTED
Application No. 11/968,792 : DECISION ON PETITION
Filed: January 3, 2008 :
Attorney Docket No. 1101.0230C1C1C1 :

This is a decision on the petition filed on July 2, 2010, requesting under 37 CFR 1.182, that the acceptance of the terminal disclaimer filed May 14, 2008 be withdrawn. The \$400.00 petition fee has been received.

The petition is **GRANTED**.

Petitioner request that the terminal disclaimer filed may 14, 2008 be withdrawn.

A review of the terminal disclaimer indicates that the terminal disclaimer contains the language "the legal title to said patent shall be the same as the legal title," .The required language required by 37 CFR 1.321(c)(3) is the phrase "commonly owned". Since the terminal disclaimer filed May 14, 2008 fails to contain the phrase "commonly owned" the terminal disclaimer is disapproved. Hence for this reason, the terminal disclaimer is withdrawn.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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 forwarded to Art Unit 2627.

Telephone inquiries related to this decision should be addressed to the undersigned at (571) – 272-0602.


Thurman K. Page
Petitions Examiner
Office of Petitions

cc: NSIP LAW
1156 15TH STREET NW, SUITE 603
WASHINGTON, DC 20005

Application Number 	Application/Control No. 11/968,792	Applicant(s)/Patent under Reexamination LEE ET AL.

Document Code - DISQ	Internal Document – DO NOT MAIL
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TERMINAL DISCLAIMER	<input type="checkbox"/> APPROVED	<input checked="" type="checkbox"/> DISAPPROVED
Date Filed : 05/14/08	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
Thurman K. Page Office of Patent Legal Administration has determined that "legal title" is not the same as "commonly owned" as required by 37 CFR 1.321(c)(3).



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Decision Date : July 12,2011

In re Application of :

Kouji ODA

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11968836

Filed : 03-Jan-2008

Attorney Docket No : 10054846US01

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed July 12,2011 , 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 2879 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	11968836
Filing Date	03-Jan-2008
First Named Inventor	Kouji ODA
Art Unit	2879
Examiner Name	MARY ELLEN BOWMAN
Attorney Docket Number	10054846US01
Title	ORGANIC EL DISPLAY DEVICE AND MANUFACTURING METHOD OF 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	/Marlene Klein/
Name	Marlene Klein
Registration Number	43718

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	11968876
Filing Date	03-Jan-2008
First Named Inventor	Shingo KARINO
Art Unit	2611
Examiner Name	TED WANG
Attorney Docket Number	P33714
Title	BASE STATION APPARATUS, COMMUNICATION TERMINAL APPARATUS, COMMUNICATION SYSTEM, AND COMMUNICATION METHOD

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	/Steven Wegman/
Name	Steven Wegman
Registration Number	31438



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : June 17,2011

In re Application of :

Shingo KARINO

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11968876

Filed : 03-Jan-2008

Attorney Docket No : P33714

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed June 17,2011 , 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 2611 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



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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 :
Seong Rae Kim et al. :
Application No. 11/968,901 : **NOTICE**
Filed: January 3, 2008 :
Attorney Docket No. **320443US8** :

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



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MAY 31 2011

OFFICE OF PETITIONS

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET SUITE 4000
CHARLOTTE NC 28280-4000

In re Application of :
Laib, et al. :
Application No. 11/968,940 : DECISION ON PETITION
Filed: January 3, 2008 :
Attorney Docket No. 038190/332530 :

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed May 18, 2011.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file a response to the final Office action mailed May 11, 2010. This Office action set a shortened statutory period for reply of three (3) months. Therefore, the last day a reply could have been timely filed with a three month extension of time would have been November 11, 2010. The Office mailed a Notice of Abandonment on May 12, 2011.

A review of the application file reveals the presence of a Notice of Appeal, filed on November 10, 2010, made timely by obtaining a three month extension of time. A review of Office finance records confirms that the Office charged the fee for the three month extension of time on that same day. Applicant included an authorization to charge the Notice of Appeal filing fee to his deposit account. Accordingly, it is obvious that the Notice of Abandonment was mailed in error.

In view thereof, **the holding of abandonment is withdrawn.**

As Office records do not indicate that the Notice of Appeal fee was previously charged to counsel's deposit account, the \$540 fee has now been charged to Deposit Account No. 16-0605, as authorized.

Please be advised that the two month period for filing an appeal brief (accompanied by the fee required by 37 CFR 1.17(c)) runs from the date of this decision.

The application is being forwarded to Group Art Unit 1788 to await applicants' submission of the Appeal Brief.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED

MAY 23 2011

In re Application of
Kelvin Ning et al
Application No. 11/969,021
Filed: January 3, 2008
Attorney Docket No. 19744P-003600US

OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 22, 2011.

The request is **APPROVED**.

The request was signed by Brad J. Loos on behalf of the practitioners of record associated with Customer Number 20350.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to Mr. Scott Loras Murray, Esq. 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: Mr. Scott Loras Murray, Esq.
Klein O'Neill & Singh, LLC
18200 Von Karman Avenue, Suite 725
Irvine, CA 92612



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/969,021	01/03/2008	Kelvin Ning	19744P-003600US

CONFIRMATION NO. 9975

POWER OF ATTORNEY NOTICE



20350
KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 05/23/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/22/2011.

- 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.

/i dingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/969,021	01/03/2008	Kelvin Ning	19744P-003600US

CONFIRMATION NO. 9975

POA ACCEPTANCE LETTER

Mr. Scott Laras Murray, Esq.
Klein O'Neill & Singh, LLC
18200 Von Karman Avenue, Suite 725
Irvine, CA 92612



Date Mailed: 05/23/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/22/2011.

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.

/s/ idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11969081	
Filing Date	03-Jan-2008	
First Named Inventor	Hongtao Yu	
Art Unit	3693	
Examiner Name	JAMES VEZERIS	
Attorney Docket Number	YUX1 3580	
Title	PERSONAL REFERRAL ONLINE ADVERTISEMENT SYSTEM	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		007812
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4) 10.40(c)(1)(vi) 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Austin Yu	
Address	88 Saddleback Road	
City	Rolling Hills	
State	CA	

Postal Code	90274
Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/John Smith-Hill/
Name	John Smith-Hill
Registration Number	27730



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : March 12, 2012

In re Application of :

Hongtao Yu

Application No : 11969081

Filed : 03-Jan-2008

Attorney Docket No : YUX1 3580

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 March 12, 2012

The request is **APPROVED**.

The request was signed by John Smith-Hill (registration no. 27730) on behalf of all attorneys/agents associated with Customer Number 007812. All attorneys/agents associated with Customer Number 007812 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 Austin Yu
Name2
Address 1 88 Saddleback Road
Address 2
City Rolling Hills
State CA
Postal Code 90274
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

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

Justin I. King
WPAT
1940 duke St., Suite 200
Alexandria, VA 22314

ej



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MAILED
JUN 20 2011
OFFICE OF PETITIONS

WPAT PC
INTELLECTUAL PROPERTY ATTORNEYS
7225 BEVERLY ST
ANNANDALE VA 22003

In re Patent No. 7,777,267 :
Issue Date: March 8, 2011 :
Application No. 11/969,119 : DECISION ON PETITION
Filed: August 17, 2010 :
Attorney Docket No. 18817-021CON :

This is a decision on the petition under 37 CFR 3.81(b), filed June 9, 2011.

The petition is **GRANTED**.

An application may issue in the name of an assignee rather than the applicant if requested prior to issuance of a patent.¹ However, in the event the request is not made prior to issuance, a Certificate of Correction under 37 CFR 1.323 may be requested. A request for a Certificate of Correction under 37 CFR 1.323 to correct the assignee's name will not be granted unless a petition under 37 CFR 3.81(b) is granted. Such request under 37 CFR 3.81(b) should include:

- (A) the processing fee required by 37 CFR 1.17(i);

¹ See 37 CFR 3.81.

(B) a request for issuance of the application in the name of the assignee, or a request that a patent be corrected to state the name of the assignee;

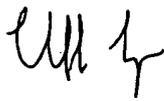
(C) a statement that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent; and

(D) a request for a certificate of correction under 37 CFR 1.323 accompanied by the fee set forth in 37 CFR 1.20(a).²

Receipt of the \$130 processing fee and \$100 fee for the Certificate of Correction is acknowledged.

The file is being forwarded to the Certificate of Corrections Branch for issuance of the requested Certificate of Correction.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

² MPEP 307.



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MAILED
SEP 24 2010
OFFICE OF PETITIONS

SLATER & MATSIL, L.L.P.
17950 PRESTON ROAD, SUITE 1000
DALLAS, TX 75252

In re Application of :
Chen et al. :
Application No. 11/969,168 : **ON PETITION**
Filed: January 3, 2008 :
Attorney Docket No. TSM07-0618 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 2, 2010, to revive the above-identified application.

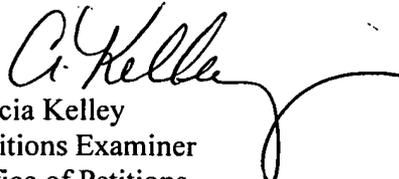
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the 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, 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 \$1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to Technology Center 2893 for further examination on the merits


Alicia Kelley
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 20100901

DATE : 8-13-10

TO SPE OF : ART UNIT 2877

SUBJECT : Request for Certificate of Correction for Appl. No.: 11969253 Patent No.: 7705993

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (C of C)
Randolph Square – 9D10-E
Palm Location 7580**

Omega Lewis
Certificates of Correction Branch
703-756-1575

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

XXApproved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: The changes to the specification and claims are approved.

/Gregory J. Toatley Jr/ SPE AU 2877



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MERCHANT & GOULD
SCIENTIFIC ATLANTA, A CISCO COMPANY
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

MAILED

FEB 04 2011

OFFICE OF PETITIONS

In re Application of :
Arturo A. Rodriguez :
Application No. 11/969,297 :
Filed: January 4, 2008 :
Attorney Docket No. :
60374.0150USC1/CPOL968766 :

ON PETITION

This is a decision on the petition, filed February 3, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 14, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2421 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "The Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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**MERCHANT & GOULD
SCIENTIFIC ATLANTA, A CISCO COMPANY
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903**

MAILED

APR 25 2011

In re Application of	:	OFFICE OF PETITIONS
Arturo A. RODRIGUEZ	:	
Application No. 11/969,297	:	DECISION GRANTING PETITION
Filed: January 4, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No.	:	
60374.0150USC1/CPOL968766	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 25, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 11, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2421 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.

A certificate of correction will be issued for the remaining errors noted in the request.

Tasneem Siddiqui

For Mary Diggs (Supervisor)

Decisions & Certificates of Correction Branch

(703) 756-1593 or (703) 756-1814

Date: 04/29/2011

Address: Allan A. Fanucci
WINSTON & STRAWN, LLP
Patent Department
1700 K Street, N.W.
Washington, D.C. 20006-3817

ts/



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MAILED

OCT 28 2010

OFFICE OF PETITIONS

**FISH & ASSOCIATES, PC
ROBERT D. FISH
2603 MAIN STREET
SUITE 1000
IRVINE, CA 92614-6232**

In re Application of
Young et al.
Application No. 11/969,369
Filed: January 4, 2008
Attorney Docket No. 101694.0001US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 27, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

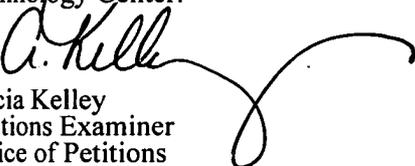
The request was signed by Martin Fessenmaier, on behalf of all the practitioners of record.

All of the practitioners of record have been withdrawn as from record. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.


Alicia Kelley
Petitions Examiner
Office of Petitions

cc: KIM JAE YOUNG
9-1802 HWASEUNG SAMSUNG APARTMENTS
BUAM-DONG, BUSANJIN-GU – BUSAN 614-753



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/969,369	01/04/2008	Kim Jae Young	101694.0001US

CONFIRMATION NO. 1692

POWER OF ATTORNEY NOTICE



24392
FISH & ASSOCIATES, PC
ROBERT D. FISH
2603 Main Street
Suite 1000
Irvine, CA 92614-6232

Date Mailed: 10/25/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/27/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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BARNES & THORNBURG LLP
One North Wacker Drive
CHICAGO IL 60690-2786

MAILED

OCT 20 2010

OFFICE OF PETITIONS

In re Application of :
Martin S. Lazarus et al. :
Application No. 11/969,426 : DECISION ON PETITION
Filed: January 4, 2008 : TO WITHDRAW
Attorney Docket No. 44161-106942 : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 9, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that Alice O. Martin or any attorneys/agents associated with Customer Number 23644 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/
JoAnne Burke
Petitions Examiner
Office of Petitions

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): 11/969,454	Patent Number (if applicable):
First Named Inventor: Manabu KATO	Title of Invention: Method and Apparatus for Communicating...
<p>APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.</p> <p>1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:</p> <ul style="list-style-type: none">a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.c. The statutory or non-statutory time period set for response has not yet expired.d. Withdrawal and reissuance of the Office communication is requested.e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. <p>2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:</p> <ul style="list-style-type: none">a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.c. The USPTO is requested to <i>sua sponte</i> waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.	

**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 /Michael H. Jacobs/	Date May 23, 2011
Name (Print/Typed) Michael H. Jacobs	Practitioner Registration Number 41,870
<p>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*.</p>	
<input type="checkbox"/> *Total of _____ forms are submitted.	

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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P.O. Box 1450
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**CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300**

**MAILED
MAY 26 2011
OFFICE OF PETITIONS**

In re Application of :
Kato et al. :
Application No. 11/969,454 : **DECISION ON PETITION**
Filed: January 4, 2008 :
Attorney Docket No. 056203.55490C1 :

This is a decision on the request filed May 23, 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 December 9, 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 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 2612 for re-mailing the Office action of December 9, 2010. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



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SEP 28 2010

GE ENERGY GENERAL ELECTRIC
C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY NY 12345

In re Application of :
Bharat BAGEPALLI : DECISION ON PETITION
Application No. 11/969,463 : TO MAKE SPECIAL UNDER
Filed: January 04, 2008 : THE GREEN TECHNOLOGY
Attorney Docket No. 229524 : PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed March 19, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DENIED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. The claims are directed to a tower that can be used to support a wind turbine. Since the wind turbine is not claimed, the claimed tower in and by itself would not ordinarily contribute to the development of renewable energy resources. There is no evidence in the present application that the claimed tower materially contributes to the development of renewable energy resources. Petitioner's comments are merely a speculation on how the instant invention can be used to develop renewable energy resources. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI)*. Accordingly, it is not agreed that the application on its face meets that materiality standard.

Petitioner argues that the instant application should be classified in class 415/subclass 2.1 which is an eligible classification. Petitioner's argument is not persuasive because in the revised Notice issued on May 21, 2010, the USPTO has eliminated the classification requirement for the reason that "the classification requirement is unnecessary because the workload has been balanced with other mechanism." The classification requirement was intended to regulate the workload, not a deciding factor of green technologies. The elimination of the classification requirement is prima facie evidence that classification has no bearing on the determination of green technologies.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3635 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600



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Venture Pacific Law, PC
5201 Great America Parkway, Suite 270
Santa Clara, CA 95054

MAILED
MAR 27 2012
OFFICE OF PETITIONS

In re Application of :
Jun Huang, et. al. :
Application No. 11/969,518 : **ON PETITION**
Filed: January 4, 2008 :
Attorney Docket No. FLUENTIAL-06 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 11, 2011, to revive the above-identified application.

The petition is **dismissed**.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Nicholas J. Witchey appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts¹.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (3).

Since the present fails to contain a proper S-signature of Nicholas J. Witchey, the statement of unintentional delay cannot be accepted at this time.

The requirements for an S-signature under 37 CFR 1.4 (d)(2)(i) are as follows:

- (i) The S-signature must consist only of letters, or Arabic numerals, or both, with appropriate spaces and commas, periods, apostrophes, or hyphens for punctuation, and **the person signing the correspondence must insert his or her own S-signature with a first single forward slash mark before, and a second single forward slash mark after, the S-signature (e.g., /Dr. James T. Jones, Jr./).**

¹ The Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address filed on March 15, 2012, was not accepted. In this regard, the Statement under 37 CFR 3.73(b) filed on March 15, 2012, did not contain a proper chain of title from the original owners to the current assignee.

Since the correspondence address of record differs from the address given in the present petition, a courtesy copy of this decision is being mailed to the address in the petition. Thereafter, all future communications from the Office will be mailed solely to the address of record unless otherwise instructed.

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) 272-3226.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

cc: Nicholas J. Witchey
 Fish & Associates
 2603 Main Street, Suite 1000
 Irvine, CA 92614



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United States Patent and Trademark Office
P.O. Box 1450
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ROBERT J. SAYFIE, P.C.
161 OTTAWA AVENUE NW
SUITE 407
GRAND RAPIDS, MI 49503

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of :
Ted Steffen :
Application No. 11/969,553 :
Filed: January 4, 2008 :
Attorney Docket No. PA7-3392 :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 1, 2010, to revive the above-identified application.

This application became abandoned for failure to timely pay the issue and publication fees on or before July 21, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed April 21, 2010. Accordingly, the date of abandonment of this application is July 22, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning 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 into a patent.

April M. Wise
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02/19/11

Paper No.: _____

TO SPE OF : ART UNIT 2123

SUBJECT : Request for Certificate of Correction for Appl. No.: 11969557 Patent No.: 7840389

CofC mallroom date: 02/08/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580**

You can fax the Director's/SPE response to 571-270-9980

Certificates of Correction Branch

Certificates of Correction Branch
571-272-3421

Lamonte Newsome

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- Approved
- Approved in Part
- Denied

All changes apply.
Specify below which changes do not apply.
State the reasons for denial below.

Comments: _____


PAUL RODRIGUEZ

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100



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S&C Electric Company
6601 North Ridge Blvd.
CHICAGO IL 60626-3904

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OFFICE OF PETITIONS

In re Application of :
Jeffrey A. Moore :
Application No. 11/969,651 : **DECISION ON PETITION**
Filed: January 4, 2008 :
Attorney Docket No. 27708/39955A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 26, 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 August 20, 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 November 21, 2009. The Notice of Abandonment was mailed March 23, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1796 for appropriate action on the concurrently filed Appeal Brief.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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P.O. Box 1450
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EUGENIO J. TORRES
221 PLAZA BUILDING
PONCE DE LEON, SUITE 403
SAN JUAN PR 00917

MAILED

NOV 30 2011

In re Application of : **OFFICE OF PETITIONS**
Luis J. Almodóvar :
Application No. 11/969,660 : **DECISION ON PETITION**
Filed: January 4, 2008 :
Attorney Docket No. 0004.001 L.Almodovar :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 25, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 13, 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 14, 2011. A Notice of Abandonment was mailed on October 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 an amendment, (2) the petition fee of \$930, (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 3731 for appropriate action by the Examiner in the normal course of business on the reply received October 25, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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AT&T LEGAL DEPARTMENT - HFZ
ATTN. PATENT DOCKETING
ONE AT&T WAY
ROOM 2A-207
BEDMINSTOR NJ 07921

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of
Timothy R. Whiting et al:
Application No. 11/969,666
Filed: January 4, 2008
Attorney Docket No. 8285-951

:
:
: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)
:

This is in response to the petition filed March 25, 2008 under 37 CFR 1.47(a).

The petition is **DISMISSED**.

Rule 47 applicant is 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 below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on January 4, 2008 with the declaration from parent application 09/799,818, signed by all joint inventors except Scott E. Bowers. Accordingly, a Notice to File Missing Parts was mailed January 25, 2008 requiring, *inter alia*, a fully executed oath or declaration and a surcharge for its late filing.

In response, to show that joint inventor Bowers refuses to execute the declaration where the instant application is concerned, the petition seeking status under 37 CFR 1.47 presented is that filed in the parent application, which also claimed that joint inventor Bowers refused to execute the declaration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor 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.

This petition lacks compliance with items (1) and (2).
Pursuant to 37 CFR 1.63:

(d)(1) A newly executed oath or declaration is not required under §

1.51(b)(2) and § 1.53(f) in a continuation or divisional application provided that:

(i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;

(ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;

(iii) The specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and

(iv) A copy of the executed oath or declaration submitted under this paragraph for a continuation or divisional application must be accompanied by a statement requesting the deletion of the name or names of the person or persons who are not inventors in the continuation or divisional application.

Unfortunately, status under 37 CFR 1.47(a) cannot be granted using an unexecuted oath or declaration from a prior filed application unless and of course it can be established that status under 37 CFR 1.47(a) was accorded in the prior filed application.

Petitioners have not submitted a fully executed oath or declaration from parent application no. 09/799,818, filed March 5, 2001, or a copy of a decision which accorded 37 CFR § 1.47(a) status to the prior application

In view thereof, petitioner's reply, although in response to the Notice mailed January 25, 2008 is incomplete.

The late filing surcharge and petition fee have been charged to deposit account no. 23-1925.

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
Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (517) 272-3212.



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

AT&T LEGAL DEPARTMENT - HFZ
ATTN. PATENT DOCKETING
ONE AT&T WAY
ROOM 2A-207
BEDMINSTOR NJ 07921

MAILED

JAN 13 2011

OFFICE OF PETITIONS

In re Application of :
Timothy R. Whiting et al. :
Application No. 11/969,666 : ON PETITION
Filed: January 4, 2008 :
Attorney Docket No. 8285-951 :

This is in response to the request for reconsideration filed December 23, 2010 under 37 CFR 1.47(a).

The petition is **DISMISSED** as involving moot issues.

Upon application and in accordance with 37 CFR 1.63(d), petitioner submitted a copy of the declaration from parent application 09/799,818, filed March 5, 2001, of which the instant application is a continuation, signed by all joint inventors except Scott E. Bowers. Accordingly, a Notice to File Missing Parts was mailed January 25, 2008 requiring, *inter alia*, a fully executed oath or declaration and a surcharge for its late filing. As well, a petition to accord status under 37 CFR 1.47 was filed in the parent application as not all of the joint inventors had executed the oath or declaration. As it was sufficiently shown that joint inventor Bowers refused to join in with the filing of that application, the petition pursuant to 37 1.47(a), filed August 2, 2001 was granted in a decision mailed December 5, 2007. Furthermore, a copy of the decision, mailed December 5, 2007, granting a petition to accord § 1.47(a) status to the prior application has been placed in the file of the present application.

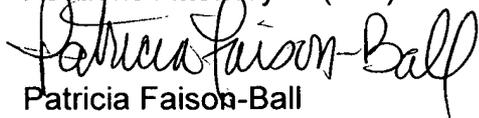
As Rule 1.47(a) status was granted in the prior application, this application is hereby accorded Rule 1.47(a) status.

As no petition is necessary to accord Rule 1.47(a) status in this application, the petition is dismissed as involving moot issues. As no petition fee is necessary, deposit account no. 23-1925 has been credited in the amount of \$200.00.

As provided in Rule 1.47(c), since notice was provided after the grant of Rule 1.47(a) status in the prior application, the Office is dispensing with the notice provision in this divisional application.

After this decision is mailed, the matter will be referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, appearing to read "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : November 1, 2011

TO SPE OF : ART UNIT 2821

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/969684 Patent No.: 7916089

CofC mailroom date: 10-25-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

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

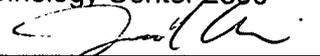
Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

Jacob Ghoi
Supervisory Patent Examiner
Technology Center 2800



SPE

2821
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

COHEN PONTANI LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

MAILED

MAR 21 2011

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

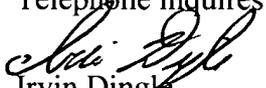
In re Application of
Klaus Elian et al
Application No. 11/969,747
Filed: January 4, 2008
Attorney Docket No. # 5968-24

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed February 14, 2011.

The request is **APPROVED**.

A review of the file record indicates that Ira S. Matsil: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Ira S. Matsil has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Ira S. Matsil
17950 Preston Road, Suite 1000
Dallas, TX 75252

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE 11/01/11

TO SPE OF : ART UNIT 2813

SUBJECT : Request for Certificate of Correction for Appl. No.: 11969756 Patent No.: 7795126

CofC mailroom date: 10/25/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

*You can fax the Directors/SPE response to **571-273-3421***

Note: Should the changes to claim 10 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: _____

Markus C. Lh

SPE

2813

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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Row 1: 11/969,767, 01/04/2008, Mingjun Shan, B-6406CONofPCT 624662-0, 1613
Row 2: 7590, 11/22/2010, LADAS & PARRY, 5670 WILSHIRE BOULEVARD, SUITE 2100, LOS ANGELES, CA 90036-5679, EXAMINER KHAN, MEHMOOD B, ART UNIT 2617, PAPER NUMBER, MAIL DATE 11/22/2010, DELIVERY MODE PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Gardner (Handwritten signature)

Patent Publication Branch
Office of Data Management

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COMMUNICATIONS SECTION
RECEIVED



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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/969,803	01/04/2008	Chong-Sheng YUAN	466992001420	1670
25225	7590	11/09/2011	EXAMINER	
MORRISON & FOERSTER LLP 12531 HIGH BLUFF DRIVE SUITE 100 SAN DIEGO, CA 92130-2040			FERNANDEZ, SUSAN EMILY	
			ART UNIT	PAPER NUMBER
			1651	
			NOTIFICATION DATE	DELIVERY MODE
			11/09/2011	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):

EOfficeSD@mofocom
PatentDocket@mofocom
Drcaldwell@mofocom



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NOV 09 2011

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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

In re Application of: :
Yuan et al. : PETITION DECISION
Serial No.: 11/969,803 :
Filed: January 4, 2008 :
Attorney Docket No.: 466992001420 :

This is in response to the petition under 37 CFR § 1.59(b), filed May 8, 2008, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the 20 documents submitted to the Patent Office on May 8, 2008, filed with the Supplemental Information Disclosure Statement, 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 non-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.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/969,803	01/04/2008	Chong-Sheng YUAN	466992001420	1670
25225	7590	11/09/2011	EXAMINER	
MORRISON & FOERSTER LLP 12531 HIGH BLUFF DRIVE SUITE 100 SAN DIEGO, CA 92130-2040			FERNANDEZ, SUSAN EMILY	
			ART UNIT	PAPER NUMBER
			1651	
			NOTIFICATION DATE	DELIVERY MODE
			11/09/2011	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):

EOfficeSD@mofocom
PatentDocket@mofocom
Drcaldwell@mofocom



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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

In re Application of: :
Yuan et al. : PETITION DECISION
Serial No.: 11/969,803 :
Filed: January 4, 2008 :
Attorney Docket No.: 466992001420 :

This is in response to the petition under 37 CFR § 1.59(b), filed June 6, 2008, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the 2 documents submitted to the Patent Office on June 6, 2008, filed with the Supplemental Information Disclosure Statement, 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 non-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.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/02/11

TO SPE OF : ART UNIT 2611

SUBJECT : Request for Certificate of Correction for Appl. No.: 11969834 Patent No.: 7792212

CofC mailroom date: 10/27/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-273-3421

Note: Should the changes in the drawing of sheet 15 and in claim 10 be approved?

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

Chris M. Fa

2611

SPE

Art Unit



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Alexandria, VA 22313-1450
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MAILED

OCT 19 2010

OFFICE OF PETITIONS

**DENNISON ASSOCIATES
133 RICHMOND STREET WEST
SUITE 301
TORONTO ON M5H 2L7 CA CANADA**

In re Application of :
Bart Boelryk :
Application No. 11/969,859 : **DECISION ON PETITION**
Filed: January 04, 2008 :
Attorney Docket No. **JJ-12 514-1US** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 08, 2010, to revive the above-identified application.

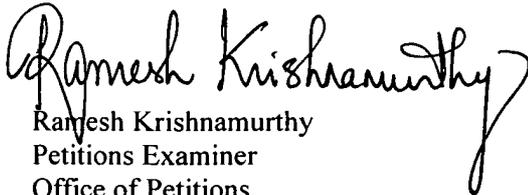
The petition is **GRANTED**.

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 September 08, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A two (2) months extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is February 09, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405, and the submission required by 37 CFR 1.114; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 3617 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.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SUNG I. OH, PROFESSIONAL LAW CORPORATION
710 QUAIL VALLEY LANE
WEST COVINA, CA 91791

MAILED

MAY 23 2011

OFFICE OF PETITIONS

In re Application of
Joshua Paul
Application No. 11/969,863
Filed: January 4, 2008
Attorney Docket No. 57289-006

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed April 22, 2011.

The request is **APPROVED**.

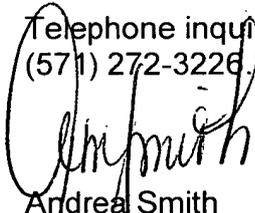
The request was signed by Sung Oh on behalf of himself and all attorneys/agents associated with Customer Number 53123. Therefore, Sung Oh and all the attorneys/agents associated with Customer Number 53123 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

There is an outstanding Office action mailed December 13, 2010, that requires a reply from the applicant.

All future communications from the Office will be directed to the address listed below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

cc: Joshua Paul
20610 Lugano Way
Porter Ranch, CA 91326



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UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/969,863	01/04/2008	Joshua Paul	57289-006

53123
SUNG I. OH, PROFESSIONAL LAW CORPORATION
710 QUAIL VALLEY LANE
WEST COVINA, CA 91791

CONFIRMATION NO. 1806
POWER OF ATTORNEY NOTICE



Date Mailed: 05/19/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/22/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/969,892	01/05/2008	Ben Neydavood	60829.300101	1895
74029	7590	12/10/2010	EXAMINER	
Patent Venture Group 10788 Civic Center Drive, Suite 215 Rancho Cucamonga, CA 91730-3805			BAYAT, BRADLEY B	
			ART UNIT	PAPER NUMBER
			3625	
			NOTIFICATION DATE	DELIVERY MODE
			12/10/2010	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):

pfiler@ipvglaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEC - 9 2010

Patent Venture Group
10788 Civic Center Drive, Suite 215
Rancho Cucamonga, CA 91730-3805

In re Application of : DECISION ON THE PETITION
Ben Neydavood : FOR SUPERVISORY REVIEW AND
Application No. 11/969,892 : WITHDRAWAL OF REQUIREMENT
Filed: January 5, 2008 : FOR INFORMATION
For: ECOMMERCE PRICE MATCH SYSTEM

This is a decision on applicant's petition, filed October 27, 2010, to withdraw the Requirement for Information under 37 CFR 1.105. This petition is considered a petition for Supervisory Review under 37 CFR 1.181, and requires no petition fee.

The petition is **GRANTED**.

A review of the file record indicates that on September 23, 2010 the examiner of record mailed a non-final Office action. In this action, the examiner included a Requirement for Information under 37 CFR 1.105, specifically asking for information concerning a discovery that the applicant apparently had a website in existence some years prior to the filing of the above-identified application. The examiner asked for any information relating to: Commercial Databases, Search, Related Information, Information Used to Draft Application, Information Used in Invention Process, Improvements, In Use, and Technical Information Known to Applicant, as defined in the above rule.

The instant petition argues that the scope of any requirement for information under 37 CFR 1.105 be narrowly defined, only made when the examiner has a reasonable basis for requiring information, and where the requirement is limited in scope as provided for in MPEP 704.11 and 704.14. The petition argues that the examiner's Requirement failed to meet the above criteria.

It is observed that the Requirement for Information made by the examiner in the Office action of September 23, 2010 does little more than list the examples of areas of information that may be requested in such a Requirement, as defined in the wording of the rule itself. As such, it is agreed that the Requirement is not narrowly defined nor limited in scope. Furthermore, given that the Requirement is not narrowly defined nor limited in scope, there is not an acceptable showing of the Requirement being reasonably necessary. The Requirement for Information made under 37 CFR 1.105 in the September 23, 2010 Office action (but not the action itself) is hereby withdrawn.

The petition for withdrawal of the Requirement for Information is **GRANTED**. The application will be forwarded back to the examiner for an action on the merits based upon the response to the Office action filed October 20, 2010, consistent with this decision.

Any questions or comments with respect to this decision should be forwarded to Quality Assurance Specialist Steven N. Meyers at (571) 272-6611.



Wynn Coggins, Director
Patent Technology Center 3600
(571) 272-5350

snm/snm: 12/8/10





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**LAW OFFICE OF 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 :
SCALISI, Joseph F. :
Application No. 11/969,905 :
Filed: January 06, 2008 :
Attorney Docket No. **LBTECH.012A** :
: **DECISION ON PETITION**
: **TO WITHDRAW**
: **FROM RECORD**
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 02, 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 Robert E. Kasody on behalf of all attorneys of record who are associated with customer No. 70515. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Joseph F. Scalisi at the address indicated below.

There is an outstanding Office action mailed September 22, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.



Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **JOSEPH F. SCALISI**
38 DISCOVERY, SUITE 150
IRVINE, CA 92618



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/969,905	01/06/2008	Joseph F. Scalisi	LBTECH.012A

CONFIRMATION NO. 1944

POWER OF ATTORNEY NOTICE



70515
Law Office Of Robert E. Kasody,
Professional Corporation
6601 Center Drive West, Suite #500
Los Angeles, CA 90045

Date Mailed: 10/12/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/02/2010.

- 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.

/mreason/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

MAILED

JAN 11 2011

OFFICE OF PETITIONS

In re Application of :
Lauren O. Bakaletz, et al. :
Application No. 11/970,273 :
Filed: January 7, 2008 :
Attorney Docket No. 28335/40731A :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/19/2011

TO SPE OF : ART UNIT 3693 Kramer James (spe)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/970380 Patent No.: 7873545

CofC mailroom date: 5/12/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

[Signature]

Certificates of Correction Branch
703-756-1571 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: _____

/James Kramer/

3693

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

IBM CORPORATION, INTELLECTUAL PROPERTY LAW
DEPT 917
3605 HIGHWAY 52 NORTH
ROCHESTER MN 55901-7829

MAILED

OCT 29 2010

In re Application of
William John Goetzinger, et al.
Application No. 11/970,388
Filed: January 7, 2008
Attorney Docket No. ROC920010200US2

OFFICE OF PETITIONS

:
:
: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, October 28, 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 June 19, 2009 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 should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1623 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed .

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B - Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 06-23-10

TO SPE OF : ART UNIT 2464

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/970390 Patent No.: 7724697

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**



**Angela Green 703-756-1541
Certificates of Correction Branch
703-756-1814**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: APPROVED: /B.P./

/Ricky Ngo/ AU 2464

SPE

Art Unit



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

CARR LLP
670 FOUNDERS SQUARE
900 JACKSON STREET
DALLAS TX 75202

MAILED
JUL 18 2011
OFFICE OF PETITIONS

In re Application of :
Jay Buckalew :
Application No. 11/970,402 : **ON PETITION**
Filed: January 7, 2008 :
Attorney Docket No. HOTH-4416001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 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 June 16, 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 September 17, 2010. The Notice of Abandonment was mailed March 16, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405, and the submission required by 37 CFR 1.114; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$555 extension of time fee submitted with the petition on June 16, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

This application is being referred to Technology Center AU 2612 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120309

DATE : March 09, 2011

TO SPE OF : ART UNIT 2611

SUBJECT : Request for Certificate of Correction on Patent No.:

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location 7590 - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments:

the specification was amended (in a preliminary amendment received on 1/7/2008) to only include a "benefit" claim to the 'parent' without stating the relationship, i.e. 'continuation'. Therefore, the claim for benefit does not comply with 35 USC 120 and 37 CFR 1:78. See MPEP 201.11, III, A. The certificate of correction to claim benefit at this stage is late since the patent has issued.

SPE: *Shirley Li*

AU 2611



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed : 03/14/12

Patent No. : 8098762 B2
Patent Issued : **January 17, 2012**
Docket No. : **K-0451.01**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Respecting the alleged errors in the documents filed on 02/28/12; please see attachments.
"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."

In view of the foregoing, your request in this matter is hereby denied.

A handwritten signature in cursive script, appearing to read "Lamonte M. Newsome".

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703)756-1580

KED & ASSOCIATES, LLP
P.O. Box 8638
Reston VA 20195

LMN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 20120309

DATE : March 09, 2011

TO SPE OF : ART UNIT 2611

SUBJECT : Request for Certificate of Correction on Patent No.:

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location 7590 - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments:

the specification was amended (in a preliminary amendment received on 1/7/2008) to only include a "benefit" claim to the 'parent' without stating the relationship, i.e. 'continuation'. Therefore, the claim for benefit does not comply with 35 USC 120 and 37 CFR 1:78. See MPEP 201.11, III, A. The certificate of correction to claim benefit at this stage is late since the patent has issued.

SPE: Sherry Li

AU 2611



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**STRATEGIC PATENTS P.C.
C/O PORTFOLIOIP
P.O. BOX 52050
MINNEAPOLIS MN 55402**

**MAILED
JAN 3 1 2011
OFFICE OF PETITIONS**

In re Application of	:	
BANDIC, Jadran et al.	:	
Application No. 11/970,448	:	DECISION ON PETITION
Filed: January 07, 2008	:	TO WITHDRAW
Attorney Docket No. SKIN-0001-P01	:	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 22, 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 Paul E. Lewkowicz on behalf of all attorneys of record who are associated with customer No. 43520. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed January 20, 2011 that requires a reply from the 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: **MYSKIN, INC.**
55 RIVER DRIVE SOUTH
#308
JERSEY CITY, NJ 07310



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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

MAILED

MAR 21 2011

In re Application of :
Matthew S. Gast :
Application No. 11/970,484 :
Filed: January 7, 2008 :
Attorney Docket No. 43390-8047.US01 :

OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 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 Brian R Coleman on behalf of all attorneys of record who are associated with customer No. 22918. All attorneys/agents associated with the Customer Number 22918 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 24, 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: TRAPEZE NETWORKS, INC.
C/O JUNIPER NETWORKS, INC
1194 NORTH MATHILDA AVENUE
SUNNYVALE, CA 94089-1206



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/970,484	01/07/2008	Matthew S. Gast	43390-8047.US01

CONFIRMATION NO. 3157

POWER OF ATTORNEY NOTICE



Date Mailed: 03/17/2011

22918
PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/09/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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KOPPEL, PATRICK, HEYBL & PHILPOTT
2815 TOWNSGATE ROAD
SUITE 215
WESTLAKE VILLAGE CA 91361-5827

MAILED
AUG 02 2011
OFFICE OF PETITIONS

In re Application of
Michael S. Berlin
Application No. 11/970,488
Filed: January 7, 2008
Attorney Docket No. 299-26-008DV2

:
:
:
: **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 February 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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/970,609	01/08/2008	Masato Akita	320409US-2SRD DIV	3424
22850	7590	01/21/2011	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			ANTHONY, JULIAN	
			ART UNIT	PAPER NUMBER
			1726	
			NOTIFICATION DATE	DELIVERY MODE
			01/21/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com



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11/21/2011

wk

Mailed :
In re Application of
Akita et al.
Serial No. 11/970,609
Filed: January 8, 2008
For: DIRECT TYPE CELL POWER GENERATOR

:
:
: DECISION ON
: PETITION
:

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on January 7, 2011 to consider the Information Disclosure Statements (IDS's) that were filed on July 6, 2010 (documents AO and AP) and filed on February 12, 2009 (documents AO and AP). The Examiner did not consider the IDS's because the documents were not in English and there was no accompanying translation, English-language abstract or statement of relevance.

Applicants assert that the IDS filed on July 6, 2010 was submitted in a prior application relied on under 35 USC 120 and that a concise explanation of relevance of the documents to the instant application is not required unless the relevance of the documents differs from that as explained in the prior application. A statement of relevance did accompany the IDS citing these documents in the prior application and they were indicated to be in compliance with 37 CFR 1.97-1.98.

Applicants also assert that the IDS filed February 12, 2009 included an accompanying English language translation of a Japanese Office Action in a counterpart Japanese patent application. The translation referred to particularly relevant portions of both cited references and the claims to which they apply.

For non-English documents that are cited, the following must be provided:

- (a) A concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, unless a complete translation is provided; and/or
- (b) A written English language translation of a non-English language document, or portion thereof, if it is within the possession, custody or control of, or is readily available to any individual designated in 37 CFR 1.56(c). After the examiner reviews the IDS for compliance with 37 CFR 1.97 and 1.98, the examiner should: (See MPEP § 609.05).

The examiner will consider information which has been considered by the Office in a parent application when examining: (A) a continuation application filed under 37 CFR 1.53(b), (B) a divisional application filed under 37 CFR 1.53(b), or (C) a continuation-in-part application filed under 37 CFR 1.53(b). A listing of the information need not be resubmitted in the continuing application unless the applicant desires the information to be printed on the patent.

DECISION

Accordingly, the petition is **GRANTED-IN-PART**.

The Examiner is requested to consider the references that were filed with the IDS on July 6, 2010 since they were submitted in a prior application. The IDS filed on February 12, 2009 does not have to be considered by the Examiner because there was no concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information nor was a complete translation provided

/W. GARY JONES/

W. Gary Jones

Director, Technology Center 1700

Chemical and Materials Engineering

Eckhard H. Kuesters

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.

1940 DUKE STREET

ALEXANDRIA VA 22314



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/970,609	01/08/2008	Masato Akita	320409US-2SRD DIV	3424

22850 7590 03/17/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

ANTHONY, JULIAN

ART UNIT PAPER NUMBER

1795

NOTIFICATION DATE DELIVERY MODE

03/17/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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3/17/2011

wk

Mailed :	:	
In re Application of	:	DECISION ON
Akita et al.	:	PETITION
Serial No. 11/970,609	:	
Filed: January 8, 2008	:	
For: DIRECT TYPE CELL POWER GENERATOR	:	

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on February 10, 2011 to reconsider the Petition Decision of January 21, 2011. An Information Disclosure Statement (IDS) was filed on February 12, 2009 (documents AO and AP). The Examiner did not consider the IDS because the documents were not in English and there was no accompanying translation, English-language abstract or statement of relevance.

Applicants also assert that the IDS filed February 12, 2009 included an accompanying English language translation of a Japanese Office Action in a counterpart Japanese s patent application. The translation referred to particularly relevant portions of both cited references and the claims to which they apply.

DECISION

The petition is **GRANTED**.

The Examiner is requested to consider the references that were filed with the IDS on February 12, 2009.

/W. GARY JONES/
W. Gary Jones
Director, Technology Center 1700
Chemical and Materials Engineering

Eckhard H. Kuesters
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/970,662	01/08/2008	Michael Lippert	66711018	3497
25005	7590	06/06/2011	EXAMINER GEDEON, BRIAN T	
Intellectual Property Dept. Dewitt Ross & Stevens SC 2 East Mifflin Street Suite 600 Madison, WI 53703-2865			ART UNIT	PAPER NUMBER
			3766	
			NOTIFICATION DATE	DELIVERY MODE
			06/06/2011	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):

docket-ip@dewittross.com



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Intellectual Property Dept.
Dewitt Ross & Stevens SC
2 East Mifflin Street
Suite 600
Madison WI 53703-2865

In re Application of:
LIPPERT, MICHAEL et al
Serial No. 11/970,662
Filed: Jan. 8, 2001
Docket: 66711018
Title: IMPLANTABLE MEDICAL DEVICE

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition filed on May 6, 2011 by which petitioner requests reconsideration and withdrawal of the restriction requirement mailed January 21, 2011, and that non-elected claims 18-20 be rejoined and examined on the merits. This petition is being considered pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is granted.

After consulting with the examiner, the requested relief is granted. The restriction requirement mailed on January 1, 2011 is hereby withdrawn. Claims 18-20 will be rejoined with the elected invention as set forth in claims 1-17. The examiner will issue an Office action to rejoin and treat the non-elected claims 18-20 on the merits when considering the Rule 111 Amendment of May 6, 2011 in due course.

The application is being forwarded to the examiner via Supervisory Patent Examiner of Art Unit 3766 for further consideration of non-elected claims 18-20 and the Rule 111 Amendment filed on May 6, 2011. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.


Angela D. Sykes, Director
Technology Center 3700



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May 24, 2011

David D. Nelson
Harrity & Harrity, LLP
11350 Random Hills Road
Suite 600
Fairfax, VA 22030

Patent No: 7,941,299 B2
Application No: 11/970,689
Applicant: William J. Aldrich, et al.
Issued: May 10, 2011
Title: **VERIFICATION AND VALIDATION SYSTEM FOR A GRAPHICAL MODEL**

Request for Certificate of Correction:

Consideration has been given to your request for the issuance of a certificate of correction for the above- identified patent under the provisions of Rule 1.322.

Inspection of the application for the patent reveals that column 13, line 12 in the patent, is printed in accordance with the record in the Patent and Trademark Office, as passed to issue by the examiner. There being no fault on the part of the Patent and Trademark, it has authority to issue a certificate of correction under the provision of 1.322.

In view of the foregoing your request in this matter is hereby **denied**.

However, further consideration will be given to this matter, upon receipt of a request for certificate of correction under the provision of 1.323, accompanied by the appropriate fee which is presently \$100.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
(571) 272-0460

vt



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LEYDIG VOIT & MAYER, LTD
700 THIRTEENTH ST NW, SUITE 300
WASHINGTON, DC 20005-3960

MAILED

DEC 27 2010

OFFICE OF PETITIONS

In re Application of	:	
Kam WAH SO	:	
Application No. 11/970,702	:	DECISION GRANTING PETITION
Filed: January 8, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 404116	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 27, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 27, 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 2838 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.*

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	939	(206/586).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/06/24 13:45
S2	939	(206/586).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/06/24 13:45
S3	393	(206/453).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/06/24 14:24
S4	0	("foldedadjblank").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/06/24 15:15
S5	4283	folded adj blank	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/24 15:16
S6	6	adhesive and glue	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/24 15:16
S7	3	adhesive and glue and tab	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/24 15:16
S8	0	S5 and S7	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/24 15:16
S9	0	adhesive with glue with tab	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/24 15:17

S10	1099	adhesive with glue with tab	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/24 15:17
S11	62	S5 and S10	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/24 15:17
S12	978	206/586	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/24 15:18
S13	1	S11 and S12	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/24 15:18
S14	135931	"206"/\$.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/24 15:19
S15	13	S11 and S14	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/24 15:19
S16	18	"4134496"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/24 15:21
S17	12	("3822036" "4000843"). PN. OR ("4134496"). URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/06/24 15:22
S18	549	292/202	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/24 16:38
S19	13	"1998515"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/28 14:16
S20	18544	corrugated adj cardboard	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/28 14:23

S21	978	206/586	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/28 14:24
S22	139	S20 and S21	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/28 14:24
S23	35	corrugated adj cardboard adj sleeve	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/28 14:24
S24	2	S21 and S23	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/28 14:25
S25	532	polyethylene adj foam adj material	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/28 14:30
S26	3	S21 and S25	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/28 14:30
S27	3	adhesive and glue and tab	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/28 14:36
S28	4283	folded adj blank	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/28 14:39
S29	1099	adhesive with glue with tab	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/28 14:39
S30	62	S28 and S29	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/28 14:39

S31	1	S21 and S30	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/28 14:39
S32	393	(206/453).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/06/28 14:44
S33	0	S32 and S30	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/28 14:44
S34	4283	folded adj blank	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/28 14:44
S35	1099	adhesive with glue with tab	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/28 14:48
S36	62	S34 and S35	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/28 14:52
S37	18	"4134496"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/29 10:48
S38	18	"4134496"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/29 10:49
S39	15	"4134496"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2010/06/29 10:50
S40	21	"6261097"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2010/06/29 14:01

EAST Search History (I nterference)

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11/15/2010 10:57:25 AM

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**K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH PA 15222-2613**

**MAILED
DEC 12 2011**

OFFICE OF PETITIONS

In re Application of :
Marc D. Lacerte, et al. :
Application No. 11/970,747 : DECISION GRANTING PETITION
Filed: January 8, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 060812 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 8, 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 November 18, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3632 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

OCT 21 2010

In re Application of :
Won Suk Ohm et al. :
Application No. 11/970,752 :
Filed: January 8, 2008 :
Attorney Docket No. **320541US8** :

OFFICE OF PETITIONS
NOTICE

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



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SCHOX PLC
500 3RD STREET, SUITE 515
SAN FRANCISCO CA 94107

MAILED

OCT 18 2010

OFFICE OF PETITIONS

In re Application of
David CHMURA
Application No. 11/970,903
Filed: January 8, 2008
Attorney Docket No. HJMB-P01-
TRANSFERRED

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:
:
:
:
:
:

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 7, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Jeffrey Schox on behalf of the attorneys of record associated with Customer No. 49142.

The attorneys of record associated with Customer No. 49142 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: DAVID CHMURA
1342 ARELLA BLVD.
ANN ARBOR, MI 48103



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/970,903	01/08/2008	David Chmura	HUMB-P01 - transferred

CONFIRMATION NO. 3908

POWER OF ATTORNEY NOTICE

49142
SCHOX PLC
500 3rd Street, Suite 515
San Francisco, CA 94107



Date Mailed: 10/08/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/07/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/970,943	01/08/2008	James Michael Storey	226658 (17851-418)	3969
45364	7590	07/19/2011	EXAMINER	
JOHN S. BEULICK (17851) ARMSTRONG TEASDALE LLP 7700 Forsyth Boulevard Suite 1800 St. Louis, MO 63105			SOULE, IAN	
			ART UNIT	PAPER NUMBER
			3785	
			NOTIFICATION DATE	DELIVERY MODE
			07/19/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@armstrongteasdale.com



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John S. Beulick (17851)
Armstrong Teasdale LLP
7700 Forsyth Boulevard
Suite 1800
St. Louis, MO 63105

In re Application of Storey et al.)
Application No. 11/970943) Petition under 37 CFR 1.48(a)
Attorney Docket No. 226658 (17851-418))
Filed: January 8, 2008)
For: Methods and Systems for Controlling)
Temperature in a Vessel)

In view of the papers and petition filed December 10, 2010, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding Yasir Hafeez Abbasi, such that the current inventorship is now James Storey, Alex Solomon, Benjamin Steinhaus, Judeth Corry, Steven Russel, Robert Gauthier, and Yasir Hafeez Abbasi.

The petition has been **Granted**.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

Inquiries to this decision may be directed to Ian Soule at (571) 270-1853.

/J.J. Swann/
J. J. Swann, SPE
Technology Center 3700
Art Unit 3785



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/970,943	01/08/2008	James Michael Storey	226658 (17851-418)	3969
45364	7590	07/19/2011	EXAMINER	
JOHN S. BEULICK (17851) ARMSTRONG TEASDALE LLP 7700 Forsyth Boulevard Suite 1800 St. Louis, MO 63105			SOULE, IAN	
			ART UNIT	PAPER NUMBER
			3785	
			NOTIFICATION DATE	DELIVERY MODE
			07/19/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@armstrongteasdale.com



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John S. Beulick (17851)
Armstrong Teasdale LLP
7700 Forsyth Boulevard
Suite 1800
St. Louis, MO 63105

In re Application of Storey et al.)
Application No. 11/970943) Petition under 37 CFR 1.48(a)
Attorney Docket No. 226658 (17851-418))
Filed: January 8, 2008)
For: Methods and Systems for Controlling)
Temperature in a Vessel)

In view of the papers and petition filed March 22, 2011, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding Lien-Yan Chen, such that the current inventorship is now James Storey, Alex Solomon, Benjamin Steinhaus, Judeth Corry, Steven Russel, Robert Gauthier, Yasir Hafeez Abbasi and Lien-Yan Chen.

The petition has been **Granted**.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

Inquiries to this decision may be directed to Ian Soule at (571) 270-1853.

/J. J. Swann/
J. J. Swann, SPE
Technology Center 3700
Art Unit 3785

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (02-10)

Approved for use through 07/31/2010. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF WYETH***

Attorney Docket
Number: 32210.56.2

Application
Number: 11/971,011

Filing Date
(or 371(b) or (f) Date): 01/08/2008

Patent Number:
7,709,039

Issue Date:
05/04/2010

First Named
Inventor: JONATHAN A. MERKLE

Title: FORMULATED FRIED EGG

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 /John F Dolan/

Date 08/20/2010

Name
(Print/Typed) John F. Dolan

Registration Number 45382

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.

**Instruction Sheet for:
REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF *WYETH****
(Not to be Submitted to the USPTO)

This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A).

This form must be filed within 180 days of the day the patent was granted, with the following exception:

Patentees who received a decision from the USPTO under the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) may file a request for reconsideration of that decision if such a request for reconsideration is filed within **two months** of the date of the decision (37 CFR 1.181(f)). If the patentee's sole basis for requesting reconsideration of the decision is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A), the request for reconsideration need only state that reconsideration is being requested in view of *Wyeth* (this form may be used for this purpose if it is filed within **two months** of the date of the decision from the USPTO).

Do not use this form if the application has been allowed, but not yet issued as a patent.

- 1. For patents issued before March 2, 2010:** A request for reconsideration under 37 CFR 1.705(d) and the fee set forth in 37 CFR 1.18(e) are not required, provided that the patentee's sole basis for requesting recalculation of the PTA in the patent is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) and this form is filed within 180 days of the day the patent was granted.
- 2. For patents issued on or after March 2, 2010 (do not use this form):** Patentees seeking a revised PTA in a patent issued on or after March 2, 2010, must file a request for reconsideration under 37 CFR 1.705(d) that complies with the requirements of 37 CFR 1.705(b)(1) and (b)(2) within two months of the day the patent issued.

For more information, see "Notice Concerning Calculation of the Patent Term Adjustment With Respect to the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)" available on the USPTO Web site at <http://www.uspto.gov/patents/law/notices/2010.jsp>.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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United States Patent and Trademark Office
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www.uspto.gov

INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET, SUITE 4000
MINNEAPOLIS, MN 55402

Mail Date: 08/26/2010

Applicant : Jonathan A. Merkle : DECISION ON REQUEST FOR
Patent Number : 7709039 : RECALCULATION of PATENT
Issue Date : 05/04/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/971,011 : OF WYETH
Filed : 01/08/2008 :
:

The Patentee's Request for Recalculation is **DISMISSED**.

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A) concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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INTERNATIONAL BUSINESS MACHINES CORPORATION
DEPT. 18G, BLDG. 321-482
2070 ROUTE 52
HOPEWELL JUNCTION, NY 12533

MAILED

OCT 15 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Dureseti Chidambarao et al :
Application No. 11/971,015 :
Filed: January 8, 2008 :
Attorney Docket No. FIS920070068US1 (20883) :

This is a decision on the petition, filed October 14, 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 September 13, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2825 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, NY 11530

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



UNITED STATES PATENT AND TRADEMARK OFFICE

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**ADE & COMPANY INC.
2157 HENDERSON HIGHWAY
WINNIPEG MB R2G1P-9 CA CANADA**

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of :
Ano LEO :
Application No. 11/971,018 : **DECISION ON PETITION**
Filed: January 08, 2008 :
Attorney Docket No. 86532-102 /KRS :

This is a decision on the petition, filed October 12, 2010, 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 **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. No additional petition fee is required.

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 petitioner lacks item (3). The statement of unintentional delay in pursuant to 37 CFR 1.137(f) is improper.

A courtesy copy of the petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing is attached to this decision.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By Fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.



Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ANO LEO**
21 EDGERIDGE CLOSE N.W.
CALGARY, ALBERTA
CANADA T3A 6KA



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ADE & COMPANY INC.
2157 HENDERSON HIGHWAY
WINNIPEG MB R2G1P-9 CA CANADA

MAILED
FEB 14 2011
OFFICE OF PETITIONS

In re Application of :
Ano LEO :
Application No. 11/971,018 : DECISION ON PETITION
Filed: January 08, 2008 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 86532-102 /KRS :

This is a decision on the renewed petition, filed January 18, 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 October 20, 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 May 26, 2011, accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being forwarded to Technology Center Art Unit 3723 for examination in due course.



Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ANO LEO**
21 EDGERIDGE CLOSE N.W.
CALGARY, ALBERTA
CANADA T3A 6KA

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/971,018	01/08/2008	Ano Leo	86532-102 /KRS

CONFIRMATION NO. 4097

NONPUBLICATION RESCISSION
LETTER



AIR MAIL
23529
ADE & COMPANY INC.
2157 Henderson Highway
WINNIPEG, MB R2G1P9
CANADA

Date Mailed: 02/14/2011

**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 05/26/2011.

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".

/mreason/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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United States Patent and Trademark Office
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KENSEY NASH CORPORATION
735 PENNSYLVANIA DRIVE
EXTON PA 19341

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of :
John E. Nash, et al. :
Application No. 11/971,059 : **ON PETITION**
Filed: January 8, 2008 :
Attorney Docket No. KN P 0095.1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 16, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of November 24, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is February 25, 2010. The Notice of Abandonment was mailed June 9, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$405; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

Application No. 11/971,059

Page 2

This application is being referred to Technology Center AU 3763 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

A handwritten signature in cursive script that reads "Terri Johnson".

Terri Johnson
Petitions Examiner
Office of Petitions



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FISH & RICHARDSON P.C. (NY)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

MAILED
FEB 03 2012

OFFICE OF PETITIONS

In re Application of :
Bertil ANDERSSON et al :
Application No. 11/971,082 : **ON PETITION**
Filed: January 8, 2008 :
Attorney Docket No. 06275-111004 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 2, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a response after the filing of a Notice of Appeals on June 8, 2011. The proposed reply required for consideration of a petition to revive must be an Appeal Brief, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A five months extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is January 9, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$930.00, with the submission in the form of an amendment (2) the petition fee of \$1860; and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center 1600, AU 1616, for processing of the RCE and for appropriate action by the Examiner in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-0602.


Thurman K. Page
Petitions Examiner
Office of Petitions



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Groover & Associates PLLC
Box 293748
Lewisville TX 75029

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MAR 13 2012

OFFICE OF PETITIONS

In re Application of :
Mohamed Darwish : DECISION ON PETITION
Application No. 11/971,123 :
Filed: January 8, 2008 :
Atty Docket No. MXP-009 :

This is in response to the PETITION filed January 7, 2012, requesting that the Commissioner's Office review the action complained of therein if the deadlines for review have not passed. Then, alternatively, applicants request the Office to revive the above-identified application.

Preliminarily, it is noted that a petition to review the examiner's action is in the first instance by way of petition to the group Director. Such petition may be dismissed as untimely filed if filed more than two months after the action complained of. See 37 CFR 1.181(f). Accordingly, the instant decision is limited to consideration of the alternative petition to revive.

The petition to revive is **DISMISSED without consideration on the merits.**

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(b)."

The above-identified application became abandoned for failure to file a proper reply to the final Office action mailed July 27, 2010. The Office action set a three-month period for reply, with extensions of time obtainable under § 1.136(a). A reply was filed on November 30, 2010 (made timely by an accompanying

one-month extension of time); however, it was determined not to place the application in condition for allowance. See Advisory Action mailed February 8, 2011. No further reply received, the application became abandoned. A courtesy Notice of Abandonment was mailed on July 7, 2011.

In response, applicants filed the instant petition, along with payment of \$200 for a petition fee. Applicants dispute the abandonment on the basis that the response after final filed, but found not to place the application in condition for allowance, had the exact substance of the previously-reached agreement. In effect, applicants challenge the examiner's abandonment of this application under the circumstances. As discussed above, a petition for review of the examiner's actions is in the first instance by way of petition to the group Director timely filed within 2 months of the action complained of.

Alternatively, applicants petition to revive this application. However, applicants do not express whether the revival sought is pursuant to 37 CFR 1.137(b) (based on unintentional delay) or 1.137(a) (based on unavoidable delay). In addition, applicants have not submitted the required petition fee for consideration under either 1.137(b) (\$1860) or 1.137(a) (\$620) (at large entity rate).

35 U.S.C. 41(a) (7) provides that a petition for the revival of an unintentionally abandoned application or for the unintentionally delayed payment of the issue fee must be accompanied by the petition fee set forth in 37 C.F.R. § 1.17(m), unless the petition is filed under 35 U.S.C. 133 or 151 (on the basis of unavoidable delay), in which case the fee is set forth in 37 C.F.R. § 1.17(l). Thus, unless the circumstances warrant the withdrawal of the holding of abandonment (i.e., it is determined that the application is not properly held abandoned), the payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of the abandoned application, and cannot be waived.

In addition, the phrase "[o]n filing" in 35 U.S.C. 41(a) (7) means that the petition fee is required for the filing (and not merely the grant) of a petition under 37 C.F.R. § 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 C.F.R. § 1.17(1) or 1.17(m), regardless of whether the petition under 37 C.F.R. § 1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 C.F.R. § 1.137 lacking the requisite petition fee.

Withdrawal of the abandonment of this application, pursuant to 37 CFR 1.181, does not appear to be warranted. Thus, the petition fee is required to consider revival. The Office does not have the authority to waive this fee. As payment of the full petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of an abandoned application and petitioner has not made such a payment, the petition must be dismissed without consideration on the merits under § 1.137. On request for reconsideration, petitioner may request that the \$200 fee submitted with this petition be applied to any outstanding petition fee.

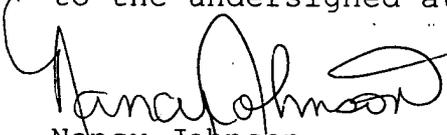
Further correspondence with respect to this decision should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By fax: (571) 273-8300
 ATTN: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries 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
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Decision Date : October 5,2011

In re Application of :

Miska Hannuksela

Application No : 11971176

Filed : 08-Jan-2008

Attorney Docket No : 037145-7076

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 October 5,2011

The request is **APPROVED**.

The request was signed by Luetzgen, David (registration no. 39282) on behalf of all attorneys/agents associated with Customer Number 30542 . All attorneys/agents associated with Customer Number 30542 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 NOKIA CORPORATION
Name2
Address 1 KEILALAHDENTIE 4
Address 2
City ESPOO
State
Postal Code FIN-02150
Country FI

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11971176	
Filing Date	08-Jan-2008	
First Named Inventor	Miska Hannuksela	
Art Unit	2472	
Examiner Name	ASHIL FARAHMAND	
Attorney Docket Number	037145-7076	
Title	SYSTEM AND METHOD FOR PROVIDING AND USING PREDETERMINED SIGNALING OF INTEROPERABILITY POINTS FOR TRANSCODED MEDIA STREAMS	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		30542
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	NOKIA CORPORATION	
Address	KEILALAHDENTIE 4	
City	ESPOO	
State		
Postal Code	FIN-02150	
Country	FI	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Luettgen, David/
Name	Luettgen, David
Registration Number	39282

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH*

Attorney Docket Number: TI-64113	Patent Number: 7,667,540
Filing Date (or 371(b) or (f) Date): 01-09-2008	Issue Date: 02/23/2010
First Named Inventor: SHENGYUAN LI	
Title: CLASS-AB DRIVER DESIGN WITH IMPROVED FREQUENCY RESPONSE	

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature / Wade J. Brady III /	Date August 12, 2010
Name (Print/Typed) Wade J. Brady III	Registration Number 32,080

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Wade James Brady III
Texas Instruments Incorporated
M/S 3999
P.O. Box 655474
Dallas, TX 75265

Mail Date: 08/20/2010

Applicant : SHENGYUAN LI : DECISION ON REQUEST FOR
Patent Number : 7667540 : RECALCULATION of PATENT
Issue Date : 02/23/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/971,214 : OF WYETH AND NOTICE OF INTENT TO
Filed : 01/09/2008 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **170** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

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PFIZER INC
10555 SCIENCE CENTER DRIVE
SAN DIEGO CA 92121

MAILED

AUG 12 2010

OFFICE OF PETITIONS

In re Application of :
BRODNEY et al. : DECISION FOR
Application No. 11/971,272 : PATENT TERM ADJUSTMENT
Filed: January 9, 2008 :
Attorney Docket No. PC32054B :

This is a decision on the petition filed March 9, 2010, which is properly treated as a petition under 37 CFR 1.705(b), requesting that the initial Determination of Patent Term Adjustment under 35 U.S.C. 154(b) be corrected to two hundred seventy-one (271) days.

The request for review of the initial Determination of Patent Term Adjustment is granted.

The Office has updated the PAIR and PALM screens to reflect that the corrected Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **two hundred seventy-one (271) days**. A copy of the updated PAIR screen, showing the corrected determination, is enclosed.

On February 25, 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 to date is 273 days. On March 9, 2010, applicant submitted the present petition. Applicant disclosed: "A reduction in patent term adjustment of 2 days under 37 C.F.R. § 1.704(b) is necessary because of Applicants' failure to respond within three months' time to a Notice to File Corrected Application Papers Filing Date Granted that was mailed on February 28, 2008." *Petition, 03/09/10, p. 2.* "Applicants filed a reply to the Notice on May 30, 2008, a date which is

three months and two days after the mailing date of said Notice." Id.

The Office concurs with applicant. A review of the application history confirms that applicant failed to engage in reasonable efforts to conclude processing of this application. Pursuant to 37 CFR 1.704(b), the period of adjustment should have been reduced by 2 days, the number of days in the period beginning on the day after the date that is three months after the date of mailing of the Notice to File Corrected Application Papers, May 29, 2008, and ending on the date the reply was filed, May 30, 2008. Accordingly, a period of reduction of 2 days for applicant delay will be entered.

In view thereof, the patent term adjustment at the time of the mailing of the Notice of Allowance is **two hundred seventy-one (271) days**.

Applicant is reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicant will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicant 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.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of updated PALM screen

Day : Wednesday

PALM INTRANET

Date: 8/11/2010

Time: 11:54:46

PTA Calculations for Application: 11/971272

Application Filing Date:	01/09/2008	PTO Delay (PTO):	273
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	271
PTO Delay Adjustment:	-2		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
56	08/11/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		2	
47	02/25/2010	MAIL NOTICE OF ALLOWANCE			
46	02/22/2010	ISSUE REVISION COMPLETED			
45	02/22/2010	DOCUMENT VERIFICATION			
44	02/22/2010	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
43	02/22/2010	CASE DOCKETED TO EXAMINER IN GAU			
42	02/16/2010	NOTICE OF ALLOWABILITY			
41	02/12/2010	PARALEGAL TD ACCEPTED			
40	11/16/2009	REFERENCE CAPTURE ON IDS			
39	11/16/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
38	12/22/2009	TERMINAL DISCLAIMER FILED		0	35
37	12/22/2009	TERMINAL DISCLAIMER FILED			
36	02/10/2010	DATE FORWARDED TO EXAMINER			
35	12/22/2009	RESPONSE AFTER NON-FINAL ACTION			
34	12/07/2009	ELECTRONIC REVIEW			
33	12/07/2009	EMAIL NOTIFICATION			
32	12/07/2009	MAIL NON-FINAL REJECTION	273		-1
31	12/02/2009	NON-FINAL REJECTION			
30	04/25/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
29	11/16/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
24	11/16/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
22	07/06/2009	PRELIMINARY AMENDMENT			

21	12/02/2008	CASE DOCKETED TO EXAMINER IN GAU			
20	04/25/2008	REFERENCE CAPTURE ON IDS			
19	04/25/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	01/09/2008	PRELIMINARY AMENDMENT			
17	11/07/2008	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
16	09/18/2008	PG-PUB ISSUE NOTIFICATION			
15	07/30/2008	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
14	07/28/2008	CORRESPONDENCE ADDRESS CHANGE			
13	07/07/2008	APPLICATION DISPATCHED FROM OIPE			
12	06/06/2008	SENT TO CLASSIFICATION CONTRACTOR			
11	06/06/2008	FILING RECEIPT - UPDATED			
10	06/06/2008	APPLICATION IS NOW COMPLETE			
9	05/30/2008	ADDITIONAL APPLICATION FILING FEES			
8	05/30/2008	APPLICANT HAS SUBMITTED A NEW SPECIFICATION TO CORRECT CORRECTED PAPERS PROBLEMS			
7	04/25/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
6	02/28/2008	CORRECTED PAPER			
5	02/28/2008	FILING RECEIPT			
4	02/11/2008	CLEARED BY L&R (LARS)			
3	01/15/2008	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
2	01/10/2008	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	01/09/2008	INITIAL EXAM TEAM NN			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

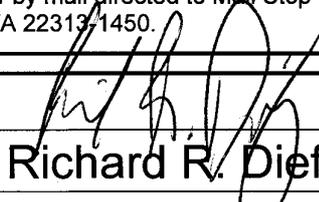
To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

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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): 11/971,296	Patent Number (if applicable):
First Named Inventor: Atsushi SHIMADA	Title of Invention: Engine System
<p>APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.</p> <p>1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:</p> <ul style="list-style-type: none">a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.c. The statutory or non-statutory time period set for response has not yet expired.d. Withdrawal and reissuance of the Office communication is requested.e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. <p>2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:</p> <ul style="list-style-type: none">a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.c. The USPTO is requested to <i>sua sponte</i> waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.	

**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 2011/05/11
Name (Print/Typed) Richard R. Diefendorf	Practitioner Registration Number 32,390
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*.	
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.	

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

MAILED
MAY 18 2011
OFFICE OF PETITIONS

In re Application of :
Atsushi SHIMADA et al. :
Application No. 11/971,296 : **DECISION ON PETITION**
Filed: January 9, 2008 :
Attorney Docket No.: 056208.59836US :

This is a decision on the request filed May 11, 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 21, 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 571-272-4914. 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 3783 for re-mailing the Office action of January 21, 2011. The period for reply will run from the mailing date of the Office action.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH*

Attorney Docket Number: TI-39921	Patent Number: 7,663,417
Filing Date (or 371(b) or (f) Date): 01-09-2008	Issue Date: 02/16/2010
First Named Inventor: Gerd Rombach	
Title: PHASE-LOCKED LOOP CIRCUIT	

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature / Wade J. Brady III /	Date August 2, 2010
Name (Print/Typed) Wade J. Brady III	Registration Number 32,080
Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.	
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.	

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 08/17/2010

Applicant : Gerd Rombach : DECISION ON REQUEST FOR
Patent Number : 7663417 : RECALCULATION of PATENT
Issue Date : 02/16/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/971,304 : OF WYETH AND NOTICE OF INTENT TO
Filed : 01/09/2008 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **43** 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
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**PATENT GROUP 2N
JONES DAY
NORTH POINT
901 LAKESIDE AVENUE
CLEVELAND OH 44114**

MAILED

JAN 31 2011

OFFICE OF PETITIONS

In re Application of	:	
LEVERGOOD , Thomas M. et al.	:	
Application No. 11/971,361	:	DECISION ON PETITION
Filed: January 09, 2008	:	TO WITHDRAW
Attorney Docket No. 432383-600042	:	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 19, 2010.

The request is **APPROVED**.

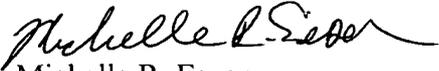
A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by David B. Cochran on behalf of all attorneys of record who are associated with customer No. 24325. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed October 08, 2010 that requires a reply from the 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: **SOVERAIN SOFTWARE LLC**
233 S. WACKER DRIVE
SUITE 9425
CHICAGO, IL 60606



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MCGARRY BAIR PC
32 Market Ave. SW
SUITE 500
GRAND RAPIDS MI 49503

MAILED
MAR 16 2011

In re Application of
Dart et al.
Application No 11/971,388
Filed: January 9, 2008
Attorney Docket No. 70254-0710

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 8, 2011, to revive the above-identified application.

The petition is **GRANTED**.

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 23, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A one month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is June 24, 2010. This decision precedes the mailing of a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810.00, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 3781 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Charlema Grant
Petitions Attorney
Office of Petitions



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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

MAILED

JUL 12 2011

OFFICE OF PETITIONS

In re Application of :
Srinivasan Keshav et al. :
Application No. 11/971,778 : PETITION DECISION
Filed: January 9, 2008 :
Attorney Docket No. 320528057US1 :

This is a decision on the petitions under 37 CFR 1.183 filed May 24, 2011, which is being treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.64. This petition was supplemented on May 25, 2011.

The petitions are **dismissed**.

Petitioner requests waiver of the signature requirement of a reissue application supplemental declaration. The originally named inventors, Keshav, Chuang and Sharma, are allegedly refusing to sign the supplemental reissue declaration. The supplemental petition filed May 25, 2011 indicates that Keshav has now signed a copy of the supplemental reissue declaration. Further, in a petition decision mailed May 26, 2009, Rule 1.47(a) status was accorded in regard to Sharma's constructive refusal to join in the filing of the application. Therefore this petition decision is rendered in regard to Chuang's requirement for signing the supplemental reissue declaration.

Petitions under 37 CFR 1.47 are directed to situations where the inventor refuses to execute an application for patent, or cannot be found. However, petitions under 37 CFR 1.47 are only applicable to the initial execution of an original oath or declaration and are not applicable to supplemental oaths or declarations by the originally signing inventor. In such circumstances, the USPTO will consider a petition under 37 CFR 1.183 requesting waiver or the requirements of 37 CFR 1.64 that each of the actual inventors execute the supplemental oath or declaration.

MPEP 603 states in part:

When an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate, and on behalf of the nonsigning inventor. See MPEP § 409.03(a).

In discussing waiver requirements under 37 CFR 1.183, the Office is guided by proof similar to that required when an applicant is unavailable or refuses to sign. Petitioner indicates that the non-signing inventor Chuang refuses to sign the supplemental declaration.

The applicable statute (35 U.S.C. § 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. See MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate the non-signing inventor, such that the supplemental reissue declaration can be accepted. Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate inventor non-signing Chuang. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s) such as the Internet. The results of such search should be made in any future petition for reconsideration. See MPEP 409.03(d). Additionally, petitioner should state whether he has access to inventor Chuang's personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? If all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to sign the declaration. The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts. It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded that an inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an inventor gives a reason for refusing to sign the declaration, that reason should be stated in the affidavit or declaration.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Director for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to Carl Friedman at (571) 272-6842.



Carl Friedman
Petitions Examiner
Office of Petitions



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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

MAILED

AUG 09 2011

OFFICE OF PETITIONS

In re Application of :
Srinivasan Keshav et al :
Application No. 11/971,778 : PETITION DECISION
Filed: January 9, 2008 :
Attorney Docket No. 320528057US1 :

Papers filed on August 4, 2011 in response to a "Petition Decision" mailed July 12, 2011, included a reissue application supplemental declaration signed by previously non-signing inventor, Shaw Chuang. A petition under 37 CFR 1.183 requesting waiver of the signature requirement of non-signing inventor was filed May 25, 2011 and was dismissed in a decision mailed July 12, 2011.

The petition is **Dismissed as being Moot** in view of the signed declaration.

This application is being referred to Technology Center Art Unit 2454.

Telephone inquiries should be directed to Carl Friedman at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120207

DATE : January 04, 2011

TO SPE OF : ART UNIT 3735

SUBJECT : Request for Certificate of Correction on Patent No.: 7,828,717

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:

/CHARLES A MARMOR II/
Supervisory Patent Examiner.Art Unit 3735

OK TO ENTER: /C.M./

PTO/SB/44 (09-07)

Approved for use through 08/31/2013. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

Page 1 of 1

PATENT NO. : 7,828,717
APPLICATION NO.: 11/971,791
ISSUE DATE : Nov. 9, 2010
INVENTOR(S) : Calvin Spencer Lee

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

At Col. 5, line 9, "of the of the" should be --of the--.

At Col. 5, line 45, "(a)" should be --(b)--; line 46, "(b)" should be --(c)--; line 49, "(c)" should be --(d)--.

In Sheet 1 of the drawings, Fig. 1, the designation "52" should be --60--.

In sheet 2 of the drawings, Fig. 2, the LED below element "56" should be designated --60--; the LED above element "57" should be labeled --62--.

Attached hereto are marked and clean copies, respectively, of Sheets 1 and 2 of the drawings

MAILING ADDRESS OF SENDER (Please do not use customer number below):

SHELDON MAK & ANDERSON PC
100 Corson st., Third Floor
Pasadena, California 91103-3842

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.:20120312

DATE : March 12, 2012

TO SPE OF : ART UNIT 1657

SUBJECT : Request for Certificate of Correction on Patent No.: 8080272

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:

/JON P WEBER/
Supervisory Patent Examiner.Art Unit 1657



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

MAILED
MAY 25 2011

In re Application of :
Cord F. Stahler et al. : **OFFICE OF PETITIONS**
Application No. 11/971,805 :
Filed: January 9, 2008 : **DECISION ON PETITION**
Attorney Docket No. 2923-859 :

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**.

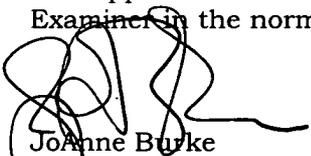
The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed September 27, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 28, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Election, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

This application is being referred to Technology Center AU 1636 for appropriate action by the Examiner in the normal course of business on the reply received.


JoAnne Burke
Petitions Examiner
Office of Petitions



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Commissioner for Patents
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Alexandria, VA 22313-1450
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**BECKMAN c/o MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 02130-2040**

**MAILED
NOV 22 2010
OFFICE OF PETITIONS**

In re Application of	:	
Chari Stylli et al.	:	
Application No. 11/971,826	:	DECISION ON PETITION
Filed: January 9, 2008	:	TO WITHDRAW
Attorney Docket No. 482022001905(97US0002-5)	:	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 Peng Chen on behalf of all attorneys/agents associated with customer number 63804. All attorneys/agents associated with customer number 63804 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: Aurora Discovery, Inc.
9645 Scranton Road
Suite 140
San Diego, CA 92121



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/971,826	01/09/2008	Chari Stylli	482022001905(97US0002-5)

CONFIRMATION NO. 5588

POWER OF ATTORNEY NOTICE



63804
BECKMAN c/o MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 02130-2040

Date Mailed: 11/22/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/02/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37.CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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SHUMAKER & SIEFFERT, P.A.
1625 RADIO DRIVE
SUITE 300
ST. PAUL, MN 55125

MAILED

JUL 25 2011

OFFICE OF PETITIONS

In re Application of :
Ronald E. Stickney, et al. :
Application No. 11/971,877 :
Filed: January 9, 2008 :
Attorney Docket No.: P27218.01 :

ON PETITION

This is a decision on the petition, filed June 24, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is not signed by a registered attorney or agent or record. However, in accordance with 37 CFR 1.34(a), the signature of Jason D. Kelly appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply to a non-final Office action mailed November 15, 2010. No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on February 16, 2011. A Notice of Abandonment was mailed on June 6, 2011. On June 24, 2011, the present petition was filed.

Petitioner seeks revival solely for obtaining copendency with continuing application No. 13/105,768 filed May 11, 2011, in that the necessary continuity inadvertently was not maintained at that time.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a divisional application under 37 CFR 1.53(b); (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay¹.

¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The terminal disclaimer filed June 24, 2011 is **not** accepted. 37 CFR 1.137(d) requires that any petition to revive in either a utility or plant application filed before June 8, 1995, be accompanied by a terminal disclaimer and fee as set forth in §1.321. Since this application is filed *after* June 8, 1995, no terminal disclaimer and fee are required. Accordingly, the \$140 fee is being refunded to counsel's deposit account, as authorized.

Since this application is being revived for purposes of continuity with application No. 13/105,768, and continuity having been established by this decision reviving the above-captioned application, the above-captioned application is again abandoned in favor of the continuing application.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petition

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110606

DATE : June 02, 2011

TO SPE OF : ART UNIT 3641

SUBJECT : Request for Certificate of Correction on Patent No.: 7,908,781

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:

/MICHAEL CARONE/
Supervisory Patent Examiner.Art Unit 3641



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/971,978	01/10/2008	John P. Rouse	8371-00-PC	5889
23909	7590	08/19/2010	EXAMINER	
COLGATE-PALMOLIVE COMPANY			LARKIN, DANIEL SEAN	
909 RIVER ROAD			ART UNIT	PAPER NUMBER
PISCATAWAY, NJ 08855			2856	
			MAIL DATE	DELIVERY MODE
			08/19/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



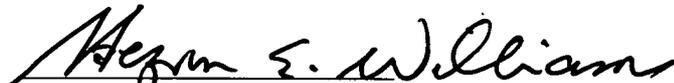
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<i>In re</i> Application of ROUSE ET AL.	:	
Appl. No.: 11/971,978	:	DECISION ON PETITION
Filed: January 10, 2008	:	<i>37 CFR 1.48(b)</i>
For: PAYOUT-GLIDE FLAKEOFF APPARATUS FOR :	:	
CHARACTERIZING DEODORANT AND :	:	
ANTIPERSPIRANT STICKS :	:	
	:	
	:	
	:	

In view of the papers filed June 22, 2010, it has been found that this non-provisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by deleting **Aixing Fan** as an inventor.

SUMMARY: The Petition Granted.


 Hezron E. Williams
 Supervisory Patent Examiner
 Technology Center 2800

COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY, NJ 08855



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MATTHIAS SCHOLL
14781 MEMORIAL DRIVE
SUITE 1319
HOUSTON TX 77079

MAILED
APR 12 2011
OFFICE OF PETITIONS

In re Application of :
Delian Yi, et al. :
Application No. 11/971,979 : **DECISION ON PETITION**
Filed: January 10, 2008 :
Attorney Docket No. **WHKY-00901-UUS** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 12, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed October 13, 2011. The Notice set a period for reply of one (1) months from the mail date of the Notice. Accordingly, the application became abandoned on November 14, 2011

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form specification, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

This application is being referred to the Office of Data Management for normal course of business.

JoAnne Burke
Petitions Examiner
Office of Petitions



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Mikael Havluciyán
300 W. Beech Street, Unit 703
San Diego CA 92101

MAILED

APR 20 2011

OFFICE OF PETITIONS

In re Application of :
Mikael Havluciyán :
Application No. 11/972,094 : DECISION ON PETITION
Filed: January 10, 2008 :
Attorney Docket No. Hav-0001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 31, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed, November 5, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 6, 2010. A Notice of Abandonment was mailed 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 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.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$555 extension of time fee submitted with the petition on January 31, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card.

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 3643 for appropriate action by the Examiner in the normal course of business on the reply received January 31, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Mikael Havluciyani
3275 5th Avenue, No. 501
San Diego, CA 92103



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DEC 14 2010

OFFICE OF PETITIONS

FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO CA 92138-0278

In re Patent No. 7,804,588
Issue Date: September 28, 2010
Application No. 11/972,104
Filed: January 10, 2008
Attorney Docket No. 025244-0425

DECISION ON PETITION

This is a decision on the Request For Certificate Of Correction Pursuant To 37 C.F.R. §1.323, filed October 8, 2010, requesting correction on the Title Page of the subject patent to accept the omission of the second assignee's name and residence. 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 requests that the present Petition was submitted to accept the omission of the second assignee's name and residence on the previously submitted PTOL 85B. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to add the omitted second assignee's name and residence to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

U.S. Patent No. 7,804,588
Application No. 11/972,104
Decision on Petition under 37 CFR 3.81

Page 2

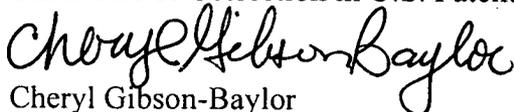
The requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), has been submitted. However, the \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), was not charged. A review of the application record confirms that a general authorization to charge a deposit account was present. As such, the fee has been charged as authorized. 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 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. 7,804,588.



Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

cc: FOLEY & LARDNER LLP
777 E. Wisconsin Avenue
Milwaukee, WI 53202-5306



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BRIAN ROFFE, ESQ
8170 McCormick Boulevard, Suite 223
Skokie IL 60076-2914

MAILED

NOV 22 2010

In re Application of : **OFFICE OF PETITIONS**
David Breed :
Application No. 11/972,205 : **DECISION ON PETITION**
Filed: January 10, 2008 :
Attorney Docket No. ITI-029 :

This is a decision on the petition, filed September 17, 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 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 Requirements for Information under 37 CFR 1.105 mailed January 8, 2010, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed on August 2, 2010.

Petitioner asserts that the Office communication dated January 8, 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. 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

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.



Charlema Grant
Petitions Attorney
Office of Petitions



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BRIAN ROFFE, ESQ
8170 McCormick Boulevard, Suite 223
Skokie IL 60076-2914

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MAR 15 2011

OFFICE OF PETITIONS

In re Application of :
David Breed :
Application No. 11/972,205 : DECISION ON PETITION
Filed: January 10, 2008 :
Attorney Docket No. ITI-029 :

This is a decision on the renewed petition, filed January 19, 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 **GRANTED**.

This application was held abandoned for failure to reply to the Requirements for Information under 37 CFR 1.105 mailed January 8, 2010, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed on August 2, 2010.

Petitioner asserts that the Office communication dated January 8, 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. 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.

In light of the submission of the reply to the Requirements for Information under 37 CFR 1.105 on September 17, 2010, the Requirements for Information under 37 CFR 1.105 will not be re-mailed.

This application is being referred to art unit 2612 for review of the reply submitted September 17, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.



Charlema Grant
Petitions Attorney
Office of Petitions



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JUN 23 2011

OFFICE OF PETITIONS

**LANIER FORD SHAVER & PAYNE P.C.
P O BOX 2087
HUNTSVILLE AL 35804-2087**

In re Application of :
OTTO :
Application No. 11/972,275 : DECISION ON PETITION
Filed: January 10, 2008 :
Docket No. 06-1296.08 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 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, September 27, 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 28, 2010. A Notice of Abandonment was mailed April 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 an amendment; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$555 extension of time fee submitted with the petition on May 26, 2011, was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2612 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 20110429

DATE : 4-26-11

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 11972314 Patent No.: 7825115

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (C of C)
Randolph Square – 9D10-E
Palm Location 7580**

Omega Lewis
Certificates of Correction Branch
703-756-1575

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- | | |
|-----------------------------------------------------|--------------------------------------------------|
| <input checked="" type="checkbox"/> Approved | All changes apply. |
| <input type="checkbox"/> Approved in Part | Specify below which changes do not apply. |
| <input type="checkbox"/> Denied | State the reasons for denial below. |

Comments: _____

**JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600**

SPE

1624
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110429

DATE : April 26, 2011

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction on Patent No.: 7825115

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:

/JAMES O. WILSON/
Supervisory Patent Examiner, Art Unit 1624



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J C PATENTS
4 VENTURE, SUITE 250
IRVINE CA 92618

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of :
He-Chi Chang et al. :
Application No. 11/972,318 : **DECISION ON PETITION**
Filed: January 10, 2008 :
Attorney Docket No. **JCLA24664** :

This is a decision on the petition, filed April 25, 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 Restriction Requirement Office action of July 6, 2010, which set a one (1) month or thirty (30) days whichever is longer for reply. A Notice of Abandonment was mailed on February 14, 2011.

Petitioner asserts that the Office action dated July 6, 2010, was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

- (1) a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
- (2) Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received.

- (3) A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the **master docket report** showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. See MPEP §711.03(c)(I)(A).

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 3751 for **re-mailing** the Restriction Requirement Office action of July 6, 2010. The period for reply will run from the mailing date of the Office action.

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions