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

SEP 2 0 2010

OFFICE OF PETITIONS

In re Application of	:	
Shinichi ITO, *et al.*	:	
Application No. 11/987,653	:	DECISION GRANTING PETITION
Filed: December 3, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **04329.2992-03000**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 17, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination).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

Petitioner is advised that the issue fee paid on August 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]

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Richard Burgujian appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. Burgujian desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted.

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

This application is being referred to Technology Center AU 1715 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

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

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901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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FEB 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Shinichi ITO et al.	:	
Application No. 11/987,653	:	DECISION ON PETITION
Filed: December 03, 2007	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 04329.2992-03000	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 14, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

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

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

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it

improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

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

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

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

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

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

Any questions concerning this matter may be directed to Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAY 20 2011

OFFICE OF PETITIONS

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

In re Application of	:	
Shinichi ITO et al.	:	
Application No. 11/987,653	:	DECISION ON PETITION
Filed: December 03, 2007	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 04329.2992-03000	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed April 12, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

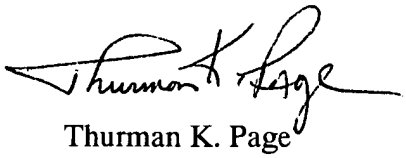
All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

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

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

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

This application is being forwarded to Technology Center Art Unit 1715 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
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/987,653	12/03/2007	1715	2100	04329.2992-03000	25	3

CONFIRMATION NO. 7226

CORRECTED FILING RECEIPT

22852
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Date Mailed: 05/20/2011

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)

Shinichi Ito, Yokohama-shi, JAPAN;
Tatsuhiko Ema, Kamakura-shi, JAPAN;
Kei Hayasaki, Kamakura-shi, JAPAN;
Rempei Nakata, Kamakura-shi, JAPAN;
Nobuhide Yamada, Tokyo, JAPAN;
Katsuya Okumura, Tokyo, JAPAN;

Assignment For Published Patent Application

Kabushiki Kaisha Toshiba

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a DIV of 10/927,141 08/27/2004 PAT 7,312,018
which is a DIV of 10/352,954 01/29/2003 PAT 6,800,569

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.)
JAPAN 2002-022383 01/30/2002
JAPAN 2002-031911 02/08/2002
JAPAN 2002-100516 04/02/2002
JAPAN 2002-22382 01/30/2002
JAPAN 2002-31911 02/08/2002

Request to Retrieve - This application either claims priority to one or more applications filed in an intellectual property Office that participates in the Priority Document Exchange (PDX) program or contains a proper **Request to**

Retrieve Electronic Priority Application(s) (PTO/SB/38 or its equivalent). Consequently, the USPTO will attempt to electronically retrieve these priority documents.

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 11/987,653**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

FILM FORMING METHOD, FILM FORMING APPARATUS, PATTERN FORMING METHOD, AND MANUFACTURING METHOD OF SEMICONDUCTOR APPARATUS

Preliminary Class

427

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Decision Date April 10, 2012

In re Application of Lu-Yueh Hsu

Application No. 11987685

Filed: 04-Dec-2007

Attorney Docket No. A-002.P156/HIK

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), April 10, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of aresponse; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

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

This application file is being directed to the Technology Center.

Office of Petitions

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

Electronic Petition Request	**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**
Application Number	11987685
Filing Date	04-Dec-2007
First Named Inventor	Lu-Yueh Hsu
Attorney Docket Number	A-002.P156/HIK-07002-US
Title	Duty cycle detecting circuit for pulse width modulation

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional

Petition Fee

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

2. Reply and/or fee

- ○ I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on
- ◉ Amendment and response are attached

RCE request,submission, and fee.

- ○ I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on
- ○ RCE Request, Submission, and Fee are attached

Notice of Appeal

○ I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on ○ Notice of Appeal and Fee are attached 3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions. ☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES I certify, in accordance with 37 CFR 1.4(d)(4) that I am: ◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application. ○ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity. ○ A sole inventor ○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors ○ A joint inventor; all of whom are signing this e-petition ○ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Li K. Wang/
Name	Li K. Wang
Registration Number	44393

UNITED STATES 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 11,2011

In re Application of :

Yasuhiro Nakasha

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11987703

Filed : 04-Dec-2007

Attorney Docket No : 06-41091

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed July 11,2011 , 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

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

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	11987703
Filing Date	04-Dec-2007
First Named Inventor	Yasuhiro Nakasha
Art Unit	2611
Examiner Name	SANTIAGO GARCIA
Attorney Docket Number	06-41091
Title	TRANSMITTER CIRCUIT AND RADIO TRANSMISSION APPARATUS FOR TRANSMITTING DATA VIA RADIO BY USING IMPULSES

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 2011.07.12 ☐ 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 A. Elchert/
Name	Scott A. Elchert
Registration Number	55149

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

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	11987705
Filing Date	04-Dec-2007
First Named Inventor	Hiroyuki Segawa
Art Unit	2625
Examiner Name	STEPHEN BRINICH
Attorney Docket Number	064484-0028
Title	IMAGE PROCESSING APPARATUS AND METHOD FOR PRINTING AND PLATE MAKING, AND RECORDING MEDIUM HAVING IMAGE PROCESSING PROGRAM RECORDED THEREIN FOR PRINTING AND PLATE MAKING

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

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

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

Petition Fee

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☐ Applicant(s) status remains as SMALL ENTITY.

☒ Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

◯ One or more claims are unpatentable ◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees) ◯ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).
RCE request,submission, and fee. ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on ☒ Are attached.
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES I certify, in accordance with 37 CFR 1.4(d)(4) that I am: ◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application. ◯ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity. ◯ A sole inventor ◯ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors ◯ A joint inventor; all of whom are signing this e-petition ◯ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Stephen A. Becker/
Name	Stephen A. Becker
Registration Number	26527

UNITED STATES 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 29,2011

In re Application of :

Hiroyuki Segawa

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11987705

Filed : 04-Dec-2007

Attorney Docket No : 064484-0028

This is an electronic 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 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 2625 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
APR 15 2011
OFFICE OF PETITIONS

In re Application	:	
Sheinin et al.	:	DECISION ON PETITION
Application No. 11/987,728	:	TO WITHDRAW
Filed: December 4, 2007	:	FROM RECORD
Attorney Docket No. NAI1P682/07.068.01	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 25, 2011.

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

A review of the file record indicates that Zilka-Kotab, P.C., was revoked as attorney of record by the assignee of record. A new Power of Attorney was filed on February 24, 2011. As a result, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable since Zilka-Kotab was not of record at the time of filing the above mentioned request.

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

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

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: PATENT CAPITAL GROUP
6119 MCCOMMAS BLVD
DALLAS TX 75214

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : November 9,2011

In re Application of :

Yoshiyuki Kato

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11987811

Filed : 04-Dec-2007

Attorney Docket No : 1341.1571

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed November 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 2825 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	11987811
Filing Date	04-Dec-2007
First Named Inventor	Yoshiyuki Kato
Art Unit	2825
Examiner Name	SUCHIN PARIHAR
Attorney Docket Number	1341.1571
Title	COORDINATED-DESIGN SUPPORTING APPARATUS, COORDINATED-DESIGN SUPPORTING METHOD, COMPUTER PRODUCT, PRINTED-CIRCUIT-BOARD MANUFACTURING METHOD, CIRCUIT-DESIGN SUPPORTING APPARATUS, CIRCUIT-DESIGN SUPPORTING METHOD, COMPUTER PRODUCT, AND PRINTED-CIRCUIT- BOARD MANUFACT

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 C. Garvey/
Name	John C. Garvey
Registration Number	28607

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

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	11987811
Filing Date	04-Dec-2007
First Named Inventor	Yoshiyuki Kato
Art Unit	2825
Examiner Name	SUCHIN PARIHAR
Attorney Docket Number	1341.1571
Title	COORDINATED-DESIGN SUPPORTING APPARATUS, COORDINATED-DESIGN SUPPORTING METHOD, COMPUTER PRODUCT, PRINTED-CIRCUIT-BOARD MANUFACTURING METHOD, CIRCUIT-DESIGN SUPPORTING APPARATUS, CIRCUIT-DESIGN SUPPORTING METHOD, COMPUTER PRODUCT, AND PRINTED-CIRCUIT- BOARD MANUFACTURING 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	/Paul I. Kravetz/
Name	Paul I. Kravetz
Registration Number	35230

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : March 30, 2012

In re Application of :

Yoshiyuki Kato

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11987811

Filed : 04-Dec-2007

Attorney Docket No : 1341.1571

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 30, 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 2825 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	11987862
Filing Date	05-Dec-2007
First Named Inventor	William Craig
Art Unit	3661
Examiner Name	KIM NGUYEN
Attorney Docket Number	LMM-020-CP2
Title	GPS-BASED TRACTION CONTROL SYSTEM AND METHOD USING DATA TRANSMITTED BETWEEN VEHICLES

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	/Steven H. Slater/
Name	Steven H. Slater
Registration Number	35361

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : February 14, 2012

In re Application of :

William Craig

Application No : 11987862

Filed : 05-Dec-2007

Attorney Docket No : LMM-020-CP2

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed February 14, 2012 , to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
AUG 25 2011
OFFICE OF PETITIONS

In re Application of	:	
Hung-Yu Wei	:	
Application No.: 11/987,930	:	ON PETITION
Filed: December 6, 2007	:	
Attorney Docket No.: 06720.0164	:	

This is a decision on the petition, filed August 25, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 27, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The application is being referred to Technology Center AU 2467 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/987,968	12/06/2007	Eyal Gura	42450	8879

67801 7590 12/21/2011

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

EXAMINER	
DYER, ANDREW R	
ART UNIT	PAPER NUMBER
2176	
MAIL DATE	DELIVERY MODE
12/21/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

MAILED
DEC 20 2011
TECHNOLOGY CENTER 2100

In re Application of:
GURA, Eyal
Application No. 11/987,968
Filed: December 6, 2007
For: **HOT-LINKED IMAGES AND METHODS AND AN APPARATUS FOR ADAPTING EXISTING IMAGES FOR THE SAME**

DECISION ON PETITION UNDER 37 C.F.R. § 1.181

This is a decision on the petition filed November 29, 2011 to withdraw the Advisory Action mailed on November 18, 2011, and enter the amendment filed November 7, 2011 on the grounds that the Office action mailed on August 8, 2011 should be treated as a non-final Office action since the body of action fails to include the form paragraphs indicating that the action is made final.

The petition is **GRANTED**.

BACKGROUND

On August 12, 2011, an Office action was issued which included the form PTOL-326. On the form, box "2a) This action is FINAL" was checked by the examiner.

On November 7, 2011, applicant filed an amendment in response to the August 12, 2011 correspondence.

On November 18, 2011, the examiner treated the November 7, 2011 amendment as an after final amendment, thus issued an Advisory Action denying entry of said amendment on the grounds that the changes to the claims requires further search and consideration.

RULES AND PROCEDURES

MPEP § 706.07(a) states in part that:

> Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in **37 CFR 1.97(c)** with the fee set forth in **37 CFR 1.17(p)**.
>
> **¶ 7.40 Action Is Final, Necessitated by Amendment**
>
> Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See **MPEP § 706.07(a)**. Applicant is reminded of the extension of time policy as set forth in **37 CFR 1.136(a)**.
>
> A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to **37 CFR 1.136(a)** will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

MPEP § 710.06 states in part that:

> Where the citation of a reference is incorrect or an Office action contains some other error that affects applicant's ability to reply to the Office action and this error is called to the attention of the Office within 1 month of the mail date of the action, the Office will restart the previously set period for reply to run from the date the error is corrected, if requested to do so by applicant. If the error is brought to the attention of the Office within the period for reply set in the Office action but more than 1 month after the date of the Office action, the Office will set a new period for reply, if requested to do so by the applicant, to substantially equal the time remaining in the reply period. For example, if the error is brought to the attention of the Office 5 weeks after mailing the action, then the Office would set a new 2-month period for reply. The new period for reply must be at least 1 month and would run from the date the error is corrected. See **MPEP §**

707.05(g) for the manner of correcting the record where there has been an erroneous citation.

Where for any reason it becomes necessary to remail any action (**MPEP § 707.13**), the action should be correspondingly redated, as it is the remailing date that establishes the beginning of the period for reply. **For Image File Wrapper (IFW) processing, see IFW Manual.

A supplementary action after a rejection explaining the references more explicitly or giving the reasons more fully, even though no further references are cited, establishes a new date from which the statutory period runs.

If the error in citation or other defective Office action is called to the attention of the Office after the expiration of the period for reply, the period will not be restarted and any appropriate extension fee will be required to render a reply timely. The Office letter correcting the error will note that the time period for reply remains as set forth in the previous Office action.

DECISION

The Office action mailed on August 12, 2011 was in response to the amendment filed on July 25, 2011, where all claims 1-8, 10 and 12-14 were rejected. The action included the "Office Action Summary" (PTOL-326) indicating that "This action is **FINAL**." According to MPEP § 706.07(a), "the second or any subsequent actions on the merits shall be final" (emphasis added) if the new grounds of rejection is "necessitated by applicant's amendment." Furthermore, applicant states that "It is noted that both boxes 2a and 2b of the Office Action summary are marked." See page 5 of applicant's arguments filed on November 7, 2011. However, it should be noted that only box 2a is marked on Office Action Summary form. Therefore, pursuant to MPEP § 710.06, applicant should have contacted the Office to correct or clarify the "error [contained in the action] that affects applicant's ability to reply to the Office action." Nevertheless, a review of the Office action reveals that the notification of finality pursuant to MPEP § 706.07(a) appears to have been omitted in body of the action.

Accordingly, the petition is **GRANTED**.

The Advisory Action mailed on November 18, 2011 is hereby withdrawn. The amendment filed on November 7, 2011 will be treated as a response to a non-final rejection, and entered as a matter of right. Therefore, examination of the instant application will proceed based on the entry of the amendment filed on November 7, 2011.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

Wendy Garber
Director, Technology Center 2100

United States Patent and Trademark Office

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

MAILED

MAR 24 2011

PCT LEGAL ADMINISTRATION

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

In re Application of :
Dunleavy et al. :
Application No.: 11/988,046 :
PCT No.: PCT/GB2006/002307 :
Int. Filing Date: 22 June 2006 : DECISION
Priority Date: 30 June 2005 :
Attorney Docket No.: P72351US0 :
For: Auto-Repairing Fibre Materials :

This is with regard to the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed on 02 July 2010.

BACKGROUND

This international application was filed on 22 June 2006, designated the United States, and claimed an earliest priority date of 30 June 2005. The International Bureau transmitted a copy of the published international application to the USPTO on 11 January 2007. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 31 December 2007 (since 30 December 2007 was a Sunday). Applicants timely filed *inter alia* the basic national fee on 28 December 2007.

On 05 January 2009, a Notification Of Insufficient Fees (Form PCT/DO/EO/923) was mailed to counsel, requiring the submission of $2054.00 in fees.

On 10 May 2010, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to counsel, indicating that this international application had become abandoned with respect to the national stage in the United States for failure to timely reply to the Notification mailed on 05 January 2009.

DISCUSSION

Petitioner requests withdrawal of the holding of abandonment, on the basis of alleged non-receipt of the Notification mailed on 05 January 2009. As explained in MPEP 711.03(c), and following *Delgar v. Schuyler, 172 USPQ 513 (D.D.C. 1971)*, an adequate showing of non-receipt of papers mailed to applicant by the Office must include (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket records must also be referenced in petitioner's statement).

Petitioner states that "the NOIF was never received by the office of the practitioner." This statement satisfies requirement (1).

Petitioner further states that "the undersigned practitioner hereby declares that, to the best of his/her knowledge and belief, the NOMR was not received in this office, and that a search of the file jacket and docket records support this fact." Petitioner also identifies the 'NOMR" as the Notification ("NOIF") in question. This satisfies requirement (2).

Concerning requirement (3), petitioner has provided copies of docket records, including a "Country Application" sheet appearing to show actions related to (only) the instant application, and a "Due Date List By Date" appearing to show applications with actions due on 05 August 2009. However, the required docket records are those records showing all cases docketed for response on the initial due date for the required reply. It appears that a "Due Date List By Date" showing all applications docketed for response on 05 March 2009 would satisfy this requirement.

DECISION

The petition is **DISMISSED**, without prejudice.

Any request for reconsideration must be filed within **TWO (2) MONTHS** from the mailing date of this Decision, extendable under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

United States Patent and Trademark Office

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

MAILED

JUL 22 2011

PCT LEGAL ADMINISTRATION

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

In re Application of
Dunleavy et al.
Application No.: 11/988,046
PCT No.: PCT/GB2006/002307
Int. Filing Date: 22 June 2006
Priority Date: 30 June 2005
Attorney Docket No.: P72351US0
For: Auto-Repairing Fibre Materials

DECISION

This is with regard to the renewed petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed on 23 June 2011.

DISCUSSION

In a Decision mailed on 24 March 2011, the petition under 37 CFR 1.181 filed on 02 July 2010 was dismissed, without prejudice, because

> Concerning requirement (3), petitioner has provided copies of docket records, including a "Country Application" sheet appearing to show actions related to (only) the instant application, and a "Due Date List By Date" appearing to show applications with actions due on 05 August 2009. However, the required docket records are those records showing all cases docketed for response on the initial due date for the required reply. It appears that a "Due Date List By Date" showing all applications docketed for response on 05 March 2009 would satisfy this requirement.

In response, petitioner has provided "a copy of the sheets from the total master daily docket of March 5, 2009, that would have included" the instant application. These records satisfy requirement (3) and, accordingly, it now would be appropriate to grant the requested relief. The holding of abandonment is hereby **WITHDRAWN**, and the Notification of Abandonment (Form PCT/DO/EO/909) mailed on 10 May 2010 is hereby **VACATED**.

DECISION

The petition is **GRANTED**..

This application is being returned to the Office of Patent Application Processing for further processing, including updating the application status in PALM to show the application as pending (not abandoned), and also including the mailing of a new Notification of Insufficient Fees (Form PCT/DO/EO/923) setting a new period for response.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-383

In re Application of Schwoerer
Appl. No.: 11/988,062
Filed: December 28, 2007
For: CEILING FORMWORK SYSTEM

RESPONSE TO PETITION UNDER 37 CFR 1.59

This is a decision on the petitions under 37 CFR 1.59(b), filed March 11, 2008, to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that the Information Disclosure Statement of February 15, 2008, be expunged from the record.

In accordance with 37 CFR 1.59(b) and MPEP 724.05 II, the petition must contain:

(A) a statement 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;
(B) a clear statement that the information to be expunged has not been otherwise made public;
(C) 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;
(D) a statement as to why the information to be expunged is not material information under 37 CFR 1.56; and
(E) the fee as set forth in 37 CFR 1.17(g) for a petition under 37 CFR 1.59(b).

The petition lacks items (A), (B), (C) and (D).

Any questions regarding this letter should be directed to Darnell M. Jayne at (571) 272-7723.

Kathy Matecki

Kathy Matecki, Director
Patent Technology Center 3600
(571) 272-5250

km/dmj/: 9/29/11

KM

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OFFICE OF PETITIONS

TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of :
Van Den Brink et al. :
Application No. 11/988,146 : ON APPLICATION FOR
Filed: December 27, 2007 : PATENT TERM ADJUSTMENT
Attorney Docket No. 2578-7398.US :
Title: CELL LINE FOR PRODUCING CORONAVIRUSES :

This is a decision on the "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(b)," filed November 9, 2010. Applicants submit that the correct patent term adjustment to be indicated on the patent is one hundred twenty-six (126) days, not one hundred three (103) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment.

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

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

On October 7, 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 the patent term adjustment to date is 103 days.

Applicants dispute the 108 day adjustment. Thus, applicants contend an entitlement to a patent term adjustment of 126 days.

The Office has considered applicants' argument and finds it unpersuasive that an adjustment of 131 days, instead of 108 days is warranted. Applicants contend a 131 day adjustment is required for failure by the Office to mail at least one of the notifications under 35 U.S.C. 132 not later than fourteen months

after the date on which the application fulfilled the requirements under 35 U.S.C. 371, pursuant to 37 CFR §1.702(a)(1).

A restriction requirement was mailed on July 8, 2009, which is 14 months and 108 days after the application fulfilled the requirements of 35 U.S.C. 371 on January 22, 2008. Applicants contend fulfillment of the application was met on December 27, 2007.

A review of the record shows that the requirements of 35 U.S.C. 371 were fulfilled on January 22, 2008. As early commencement was not requested, the last of 371 requirements to be completed was commencement at 30 months on January 22, 2008. Thus, the mailing of the restriction requirement on July 8, 2009, is 14 months and 108 days after fulfillment.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is 103 days.

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

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

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

The Office of Data Management has been advised of this decision. This 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 Petitions Attorney Charlema Grant, at (571) 272-3215.

Anthony Knight
Director
Office of Petitions

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reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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PCT LEGAL ADMINISTRATION

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Application of
PETER, Karlheinz
Application No. : 11/988,196
Filed: 18 December 2008
ATTY Docket No.: 50257/005001

DECISION ON PETITION
UNDER 37 C.F.R. §1.78(a)

This decision is issued in response to the "PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED PRIORITY CLAIM UNDER 37 C.F.R. § 1.78" filed 08 August 2011.

For the reasons discussed below, the petition is **DISMISSED** without prejudice.

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

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

For the reasons discussed below, the present petition fails to satisfy item (1) above.

The present petition seeks to revise the priority claim by amending the first line of the specification to reference the present application as a "continuation-in-part," rather than a national stage, application. This amendment is not proper as a 35 U.S.C. 371 national stage application cannot be a continuation-in-part application of the PCT application of which it is the national phase with because the 371 national stage application and the PCT application are the same application. Therefore, the present 371 national stage application 11/988,196 cannot be properly amended to include subject matter not present in PCT/AU2006/000943 because no new matter can be added to an application after its filing date (see 35 U.S.C. 132(a)).

Application No.: 11/988,196

MPEP §1893.03(c) states in part:

> A national stage application submitted under 35 U.S.C. 371 may not claim benefit of the filing date of the international application of which it is the national stage since its filing date is the **>international filing date of the< international application. See also MPEP § 1893.03(b). Stated differently, since the international application is not an earlier application (it has the same filing date as the national stage), a benefit claim under 35 U.S.C. 120 in the national stage to the international application is inappropriate and may result in the submission being treated as an application filed under 35 U.S.C. 111(a). See MPEP § 1893.03(a).

Based on the above, the reference to the present application as a "continuation-in-part" of the International application PCT/AU2006/000943 contained in the proposed amendment filed with the present petition is not acceptable as filed. Item (1) of a grantable petition under 37 C.F.R. 1.78(a)(3) is therefore not satisfied on the present record.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Shane Thomas
Special Program Examiner
Office of PCT Legal Administration
Tel: (571) 272-4188

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

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CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON, DE 19899

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OFFICE OF PETITIONS

In re Application of :
Christophe REUZEAU, et *al.* :
Application No. 11/988,254 : DECISION GRANTING PETITION
Filed: January 23, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **14546-00025 US** :

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 10, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1638 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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Commissioner for Patents
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Decision Date : September 9,2011

In re Application of :

Hideo Hoshuyama

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11988273

Filed : 04-Jan-2008

Attorney Docket No : 135136

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed September 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 2622 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	11988273
Filing Date	04-Jan-2008
First Named Inventor	Hideo Hoshuyama
Art Unit	2622
Examiner Name	NGOC YEN VU
Attorney Docket Number	135136
Title	IMAGE PROCESSING SYSTEM AND IMAGE PROCESSING PROGRAM FOR DEFECTIVE PIXEL CORRECTION

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	/Mario A. Costantino/
Name	Mario A. Costantino
Registration Number	33565

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: BUDM3011/FJD	Patent Number: 7661323
Filing Date (or 371(b) or (f) Date): 2009-04-02	Issue Date: 2010-02-16
First Named Inventor: Thomas Budmiger	
Title: METHOD FOR DETERMINING WORKING POINT OF A MAGNETO-INDUCTIVE FLOW MEASURING 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 /ThomasJMoore/	Date 2010-08-12
Name (Print/Typed) Thomas J. Moore	Registration Number 28974

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below**.

☐ *Total of _____ forms are submitted.

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

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

PTO/SB/131 (01-10)
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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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 DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 08/18/2010

Applicant	: Thomas Budmiger	: DECISION ON REQUEST FOR
Patent Number	: 7661323	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/988,280	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/02/2009	: 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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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

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JUL 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Keitaro HARADA, *et al.*	:	
Application No. 11/988,347	:	DECISION GRANTING PETITION
Filed: January 3, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **61194/A400**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 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 June 6, 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 2837 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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 28 2011

PCT LEGAL ADMINISTRATION

Heiser, David E.
E.I. Du Pont Nemours and Company
Legal Patent Records Center
4417 Lancaster Pike
Wilmington DE 19705

In re Application of :
BISAHA et al. :
Application No.: 11/988,359 : DECISION
PCT No.: PCT/US2006/029175 :
Int. Filing Date: 26 July 2006 :
Priority Date: 26 July 2005 :
Attorney Docket No.: BA9356USPCT :
For: FUNGICIDAL CARBOXAMIDES :

This decision is in response to applicants' petition to revive under 37 CFR 1.137(a) filed 06 December 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 26 July 2006, applicants filed international application PCT/US2006/029175 which designated the U.S. and claimed a priority date of 26 July 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 01 February 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 28 January 2008 (26 January 2008 being a Saturday).

On 04 January 2008, applicant filed, *inter alia*, a transmittal letter for entry into the national stage in the United States. No fees or authorization to charge fees accompanied the submission.

On 18 May 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the international application was abandoned for failure to provide the U.S. Basic National Fee by thirty months from the priority date.

On 06 December 2010, applicant filed a submission which includes, *inter alia*, the instant petition under 37 CFR 1.137(a).

DISCUSSION

Under 37 CFR 1.137(a), a petition requesting that the application be revived on the grounds of unavoidable delay must be filed promptly after applicant becomes aware of the abandonment, and such petition must be accompanied by: (1) A proper response, unless already filed; (2) The petition fee as set forth in 37 CFR 1.17(l); (3) A showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) A terminal disclaimer (if necessary).

Item (1) has been met. The U.S. Basic National Fee was provided on 06 December 2010.

As to item (2), the petition fee under 37 CFR 1.17(l) is $540 rather than $1,620. The difference has been refunded to Deposit Account 041928.

Item (3) has not been met. Petitioner urges that the NOTIFICATION OF ABANDONMENT was not brought to her attention until 08 October 2010 and therefore the cause for the delay in filing the 35 U.S.C. 371(c) requirements from their due date until the filing of a grantable petition was unavoidable. However, the application became abandoned as of midnight 28 January 2008 for failure to provide the full U.S. Basic National Fee by 30 months from the priority date. No discussion of why the fee was not paid by that time has been provided. The failure to double check the submission filed 04 January 2008 to make sure that it included an authorization to charge the U.S. Basic National Fee is less than the care or diligence generally used and observed by careful persons in relation to their most important business.

Item (4) is not required.

CONCLUSION

The petition under 37 CFR 1.137(a) is **DISMISSED** for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(a)."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT

Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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Commissioner for Patents
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JUL 14 2011

PCT LEGAL ADMINISTRATION

Heiser, David E.
E.I. Du Pont Nemours and Company
Legal Patent Records Center
4417 Lancaster Pike
Wilmington DE 19705

In re Application of :
BISAHA et al. :
Application No.: 11/988,359 : DECISION
PCT No.: PCT/US2006/029175 :
Int. Filing Date: 26 July 2006 :
Priority Date: 26 July 2005 :
Attorney Docket No.: BA9356USPCT :
For: FUNGICIDAL CARBOXAMIDES :

This decision is in response to applicants' petition to revive under 37 CFR 1.137(a), or in the alternative, under 37 CFR 1.137(b), filed 13 May 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 26 July 2006, applicants filed international application PCT/US2006/029175 which designated the U.S. and claimed a priority date of 26 July 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 01 February 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 28 January 2008 (26 January 2008 being a Saturday).

On 04 January 2008, applicant filed, *inter alia*, a transmittal letter for entry into the national stage in the United States. No fees or authorization to charge fees accompanied the submission.

On 18 May 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the international application was abandoned for failure to provide the U.S. Basic National Fee by thirty months from the priority date.

On 06 December 2010, applicant filed a submission which included, *inter alia*, the instant petition under 37 CFR 1.137(a).

On 28 March 2011, a petition was mailed dismissing applicant's petition under 37 CFR 1.137(a).

On 13 May 2011, the instant renewed petition to revive under 37 CFR 1.137(a), or in the alternative, under 37 CFR 1.137(b), was filed.

DISCUSSION

Petition Under 37 CFR 1.137(a)

Under 37 CFR 1.137(a), a petition requesting that the application be revived on the grounds of unavoidable delay must be filed promptly after applicant becomes aware of the abandonment, and such petition must be accompanied by: (1) A proper response, unless already filed; (2) The petition fee as set forth in 37 CFR 1.17(l); (3) A showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) A terminal disclaimer (if necessary).

As noted in the decision mailed 28 March 2011, items (1) and (2) have been satisfied and item (4) is not required.

Item (3) still has not been met. The decision mailed 28 March 2011 indicated that the application became abandoned as of midnight 28 January 2008 for failure to provide the full U.S. Basic National Fee by 30 months from the priority date., that no discussion of why the fee was not paid by that time had been provided and that the failure to double check the submission filed 04 January 2008 to make sure that it included an authorization to charge the U.S. Basic National Fee is less than the care or diligence generally used and observed by careful persons in relation to their most important business.

The renewed petition filed 13 May 2011 urges that the petitioner is not required to show why the fee was not paid by 28 January 2008 but rather "*why 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*" (emphasis in original).

Assuming for the sake of argument that the only delay at issue concerns the time from 28 January 2008 onward, the fact remains that the application went abandoned as of 28 January 2008 because of petitioner's failure to provide the full U.S. Basic National Fee by 30 months from the priority date. The failure to provide the proper fee is at least threefold: (1) applicant failed to double check the submission filed 04 January 2008 to make sure that it included an authorization to charge the U.S. Basic National Fee; (2) applicant failed to check whether the fee was paid with the 04

January 2008 submission by the 30-month date (28 January 2008); and (3) applicant failed to provide checks in the docketing system for determining the status of pending applications.

As to (1), again, this failure is less than the care or diligence generally used and observed by careful persons in relation to their most important business. As to (2), the failure to provide some sort of check in applicant's docketing system to determine whether applications filed before the 30-month date were in fact filed correctly, with the check being made after the filing but before the 30-month deadline, is less than the care or diligence generally used and observed by careful persons in relation to their most important business. As to (3), this failure is also less than the care or diligence generally used and observed by careful persons in relation to their most important business: the petition states that the failure to pay the U.S. Basic National Fee was not discovered until October 2010, *over 33 months* after the application was filed, when petitioner was performing an internal review for *patent maintenance fees* (an item unrelated to the status of pending applications) that the error was discovered.

The petition also urges that although authorization was not given to charge the fees to the Deposit Account, it should have ben clear from the Transmittal Letter filed 04 January 2008 that authorization was intended. However, authorization is required, not the intent to authorize.

Petition Under 37 CFR 1.137(b)

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 06 December 2010.

As to item (2), applicant submitted the petition fee on 13 May 2011.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventors

The declaration of inventors filed 04 January 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(a) is **DISMISSED** for the reasons set forth above.

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/988,485	02/26/2009	Reinhard Weiberle	10191/5128	6757

7590 03/07/2012

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER	
COLEMAN, ERIC	
ART UNIT	PAPER NUMBER
2183	
MAIL DATE	DELIVERY MODE
03/07/2012	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Nimi Jalali

Patent Publication Branch
Office of Data Management

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.
11/988,505	01/09/2008	Catherine Truffert	0510-1180	7003

466 7590 11/30/2010

YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

EXAMINER	
LAU, TUNG S	
ART UNIT	PAPER NUMBER
2857	

NOTIFICATION DATE	DELIVERY MODE
11/30/2010	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):

DocketingDept@young-thompson.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper Number: 20101123

YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

In re Application of:	:	
Catherine TRUFFERT et al.	:	DECISION ON PETITION
Serial No.: 11/988,505	:	FOR USE OF COLOR DRAWINGS UNDER 37
Filed: 01/09/2008	:	C.F.R 1.84(a)(2)
Attorney Docket No.: **0510-1180**	:	

This is a decision in response to the petition under 37 C.F.R. 1.84(a)(2), filed 10/12/2010. The petition fee has been paid.

The petition is **GRANTED**.

The Petition sets forth an explanation regarding why the color drawings are necessary, the required fee, the required paragraph is provided in the specification and includes three sets of color drawings.

Accordingly, the color drawings are accepted as formal drawings in the above-referenced application.

/Drew A. Dunn/

Drew A. Dunn, Supervisory Patent Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

MAILED

JAN 26 2011

OFFICE OF PETITIONS

In re Application of :
Truffert, et al. :
Application No. 11/988,505 : NOTICE
Filed: January 9, 2008 :
Attorney Docket No. 0510-1180 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed November 30, 2010.

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

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

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

Pursuant to petitioners' authorization, deposit account no. 25-0120 will be charged $580.00.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DEC 19 2011

OFFICE OF PETITIONS

KILPATRICK TOWNSEND &
STOCKTON LLP
1001 WEST FOURTH STREET
WINSTON-SALEM NC 27101

In re Application :
Edvardson, et al. :
Application No. 11/988,524 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: November 12, 2009 :
Dkt. No.: DRILL :

This is in response to the application for patent term adjustment under 37 CFR 1.705(b), filed December 9, 2011.

Applicant submits that the correct patent term adjustment to be indicated on the patent is 260 days, not 193 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.

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 fee[1].

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).

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

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

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

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STALLMAN C/O MOFO
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

MAILED

OCT 20 2010

OFFICE OF PETITIONS

In re Application of :
Mehlmann et al. :
Application No. 11/988,529 :
Filed: November 21, 2008 :
Attorney Docket No. PERK-1010 :

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 29, 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 was signed by Michael A. Stallman on behalf of all attorneys of record, but reflects an incorrect 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 Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

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

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

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

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8/13/10

TO SPE OF : ART UNIT 1795 (1700)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/988,557 Patent No.: 7,666,573

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, ATE
Randolph Sq. Ste 9D62A
703-756-1590

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

SPE Cynthia H. Kelly ART UNIT 1722

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

MAILED

FEB 01 2012

OFFICE OF PETITIONS

In re Patent No. 8,064,591 :
Issue Date: November 22, 2011 :
Application No. 11/988,560 : DECISION ON PETITION
Filed: February 27, 2008 :
Attorney Docket No. 13798.043.00 :

This is a decision on the petition under 37 CFR 1.182, filed January 18, 2012, requesting issuance of duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

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

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

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3205. Inquiries regarding the issuance of duplicate Letters Patent may be directed to the Ollie Person in the Office of Data Management at (703) 756-1555.

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

cc: Ollie Person, Randolph Square, 9th Floor, Room D30-A (Fax No. (571) 270-9764)
Kimberly Terrell (Fax No. (571) 270-9958)

UNITED STATES PATENT AND TRADEMARK OFFICE

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DITTHAVONG MORI & STEINER, P.C.
918 PRINCE STREET
ALEXANDRIA, VA 22314

MAILED

MAY 18 2011

PCT LEGAL ADMINISTRATION

In re Application of NYKÄNEN et al :
U.S. Application No.: 11/988,618 :
PCT Application No.: PCT/FI2005/050280 :
Int. Filing Date: 13 July 2005 : DECISION
Priority Date Claimed: none :
Attorney Docket No.: P3435US00 :
For: METHOD FOR CREATING BROWSABLE :
DOCUMENT FOR A CLIENT DEVICE :

This is in response to applicant's correspondence filed 03 May 2011, which is being treated as a petition under 37 CFR 1.181.

BACKGROUND

On 13 July 2005, applicant filed international application PCT/FI2005/050280. A copy of the international application was communicated to the USPTO from the International Bureau on 18 January 2007. The thirty-month period for paying the basic national fee in the United States expired on 14 January 2008.

On 11 January 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and an executed declaration

On 12 February 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which identified a discrepancy with regard to the inventive entity.

On 12 June 2009, applicant filed a response to the Notification of Missing Requirements.

On 11 April 2011, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with regard to the inventive entity.

On 03 May 2011, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

MPEP 1893.01(e) states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

The petition states that the correct surname of the second inventor appears in the declaration filed on 11 January 2008 and that the international application indicated the incorrect surname. However, the petition fails to state that the discrepancy was the result of a typographical or transliteration error. If the cause was not a typographical or transliteration error, a petition under 37 CFR 1.182 along with the requisite $400.00 petition fee is necessary.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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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DITTHAVONG MORI & STEINER, P.C.
918 PRINCE STREET
ALEXANDRIA, VA 22314

MAILED

AUG 10 2011

PCT LEGAL ADMINISTRATION

In re Application of NYKÄNEN et al :
U.S. Application No.: 11/988,618 :
PCT Application No.: PCT/FI2005/050280 :
Int. Filing Date: 13 July 2005 : DECISION
Priority Date Claimed: none :
Attorney Docket No.: P3435US00 :
For: METHOD FOR CREATING BROWSABLE :
DOCUMENT FOR A CLIENT DEVICE :

This is in response to applicant's renewed petition under 37 CFR 1.181 filed 14 June 2011.

BACKGROUND

On 13 July 2005, applicant filed international application PCT/FI2005/050280. A copy of the international application was communicated to the USPTO from the International Bureau on 18 January 2007. The thirty-month period for paying the basic national fee in the United States expired on 14 January 2008.

On 11 January 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and an executed declaration

On 12 February 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which identified a discrepancy with regard to the inventive entity.

On 12 June 2009, applicant filed a response to the Notification of Missing Requirements.

On 11 April 2011, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with regard to the inventive entity.

On 03 May 2011, applicant filed a petition under 37 CFR 1.181.

On 18 May 2011, this Office mailed a decision dismissing the 03 May 2011 petition.

On 14 June 2011, applicant filed the instant renewed petition under 37 CFR 1.181.

DISCUSSION

MPEP 1893.01(e) states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

The petition states that the correct surname of the second inventor appears in the declaration filed on 11 January 2008 and that the international application indicated the incorrect surname due to a typographical error.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.181 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 13 July 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 11 January 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : October 31, 2011

TO SPE OF : ART UNIT 3754

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/988636 Patent No.: 7975728

CofC mailroom date: 9-30-11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: _____

_____

Magdalene Talley
Certificates of Correction Branch
571-272-0423 _____

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

_____

_____

SPE — 3754 Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHRISTIE, PARKER & HALE, LLP
P.O. BOX 7068
PASADENA, CA 91109-7068

MAILED
JAN 26 2011
OFFICE OF PETITIONS

Applicants: Kruger, et al.
Appl. No.: 11/988,671
International Filing Date: July 10, 2006
Title: UNIT SUPPORT FOR A MOTOR VEHICLE DOOR
Attorney Docket: 61146/M521
Pub. No.: US 2010/0084887 A1
Pub. Date: April 8, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 9, 2010, for the above-identified application.

The request is granted-in-part.

Applicant requests that the application be republished because the patent application publication contains an error wherein the filing date for the PCT/DE2006/001217, is incorrect and the assignee information and the benefit claim information is incorrect.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The instant request identifies a material Office mistake in the failure to print the correct Filing Date for PCT/DE2006/001217 on the front page of the publication. It is noted that a petition was granted giving a Filing Date for the PCT of March 7, 2008 instead of the January 10, 2008 published.

The instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to the assignee and the benefit claim information.

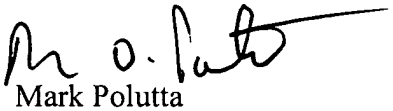
[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

An error in the assignment information and the benefit claim information is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The assignee is information is taken from the transmittal letter or Application Data Sheet (ADS) and not from the assignment records. [2]

On December 28, 2009, a Filing Receipt was mail by the Office, which listed the incorrect assignment and benefit claim information. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

[2] See 37 CFR 1.215, MPEP 1122 and Comment 59, Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57047 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 84 (Oct. 10, 2000) (final rule).

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P.O. BOX 7068
PASADENA, CA 91109-7068

MAILED
JAN 28 2011
OFFICE OF PETITIONS

Applicants: Kruger, et al.
Appl. No.: 11/988,671
International Filing Date: July 10, 2006
Title: UNIT SUPPORT FOR A MOTOR VEHICLE DOOR
Attorney Docket: 61146/M521
Pub. No.: US 2010/0084887 A1
Pub. Date: April 8, 2010

This is a corrected decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 9, 2010, for the above-identified application.

The request is dismissed.

Applicant requests that the application be republished because the patent application publication contains an error wherein the filing date for the PCT/DE2006/001217, is incorrect and the assignee information and the benefit claim information is incorrect.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The instant request does not identify a material Office mistake in the failure to print the correct Filing Date for PCT/DE2006/001217 on the front page of the publication. The International Filing date was correctly printed as July 10, 2006. The error in the 371(c)(1), (2), (4) date listed on the front page of the publication may be an Office error, but it is not a material mistake in the publication made by the Office under 37 CFR 1.221(b). The misprinting of the 371(c)(1), (2), (4) date does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. Furthermore, the error does not affect the use of the publication as a reference.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to the assignee information and the foreign priority claim. An error in the assignment information and the foreign priority claim is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The assignee is information is taken from the transmittal letter or Application Data Sheet (ADS) and not from the assignment records. [2]

On December 28, 2009, a Filing Receipt was mail by the Office, which listed the incorrect assignment and foreign priority information. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A Quick Start Guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication."

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

[2] See 37 CFR 1.215, MPEP 1122 and Comment 59, Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57047 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 84 (Oct. 10, 2000) (final rule).

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2200 W. SALZBURG ROAD
P.O. BOX 994
MIDLAND MI 48686-0994

MAILED

JUL 15 2011

OFFICE OF PETITIONS

In re Application of	:	
Sutton et al.	:	
Application No. 11/988,708	:	DECISION ON PETITION
Filed: January 11, 2008	:	
Attorney Docket No. DC10267PCT1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 31, 2011, as required by the Notice of Allowance and Fee(s) Due mailed February 28, 2011. Accordingly, the date of abandonment of this application is June 1, 2011. A Notice of Abandonment was mailed June 20, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510.00 and the publication fee of $300.00, (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

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

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/988,720	01/07/2009	Ian Malcolm Smith	JPD-4398-818	1083

23117 7590 11/09/2010

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

EXAMINER	
YU, JUSTINE ROMANG	

ART UNIT	PAPER NUMBER
3771	

MAIL DATE	DELIVERY MODE
11/09/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

Applicant: Smith et al.
Appl. No.: 11/988,720
Filing Date: January 7, 2009
Title: COMPLIANT COUPLING OR ADAPTOR
Attorney Docket No.: JPD-4398-818
Pub. No.: US 2009/0120434 A1
Pub. Date: May 14, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on July 7, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 11/10/2010 KKING1
07/08/2010 INTEFSW 00000556 11988720
03 FC:1504 -300.00 OP

Refund Ref:
11/10/2010 0030090646

Credit Card Refund Total: $300.00

Am Exp..: XXXXXXXXXXX2021

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

MAILED
SEP 26 2011
OFFICE OF PETITIONS

In re Application of :
Naohide Fuma :
Application No. 11/988,741 : DECISION GRANTING PETITION
Filed: January 14, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 10517/393 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 23, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 28, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 3747 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Bruce D Riter
101 First Street PMB 208
Los Altos CA 94022

In re Application of
KOLB, PETER F.
Application No.: 11/988,763
Filing or 371(c) Date: June 1, 2006
Attorney Docket Number: CXUF-464

: OCT 28 2010
: DECISION ON
: PETITION
:

This is a decision on the Petition to Withdraw Holding of Abandonment received in the United States Patent and Trademark Office (USPTO) on October 4, 2010.

This petition is **GRANTED**.

The application was inadvertently abandoned for failure to timely submit the Issue Fee and Publication fee as required by the Notice of Allowance, mailed June 8, 2010 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on September 27, 2010.

Petitioner states that the issue fee transmittal and payment were timely filed via the USPTO on September 1, 2010. Petitioner submitted a copy of the original submission which included a properly completed Certificate of Mailing/Transmission.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1547.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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BRINKS HOFER GILSON & LIONE/ANN ARBOR
524 SOUTH MAIN STREET
SUITE 200
ANN ARBOR MI 48104

MAILED

JAN 3 1 2012

OFFICE OF PETITIONS

In re Application of	:	
Ichiro Wada et al	:	
Application No. 11/988,781	:	DECISION GRANTING PETITION
Filed: January 14, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 14114-3	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 30, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 29, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2858 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

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MAILED

MAR 28 2011

PCT LEGAL ADMINISTRATION

Sean P. O'Hanlon
Bingham McCutchen
2020 K Street, NW
Washington DC 20006

In re Application of
CADDEN et al.
Serial No.: 11/988,833
PCT App. No.: PCT/GB06/02222
Int'l Filing Date: 16 June 2006
Priority Date: 16 July 2005
Attorney Docket No.: 705916-2001
For: CUTTING TOOL

DECISION ON

PETITIONS

UNDER 37 CFR 1.47(a) & 1.42

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) and 1.42, filed 21 January 2011 in the above-captioned application in the United States Patent and Trademark Office (USPTO). Petitioner's request for a five month extension of time is granted.

BACKGROUND

On 12 December 2008, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required along with the surcharge for filing this document after the thirty month period.

On 10 July 2009, applicant filed, *inter alia*, three executed declarations and a petition pursuant to 37 CFR 1.47(a) to accept the application without the signatures of the legal representative(s) of deceased inventor Campbell Wallace and non-signing inventor Steve Chatters. Declarations signed by the joint inventors were submitted.

On 18 September 2009, a decision dismissing the petitions was mailed to applicant. On 19 April 2010, applicant filed a renewed petition. In a decision mailed on 24 June 2010, the petition under 37 CFR 1.47(a) was granted with respect to non-signing inventor Steve Chatters and was dismissed with respect to non-signing legal representative of deceased inventor Campbell Wallace.

DISCUSSION

At the outset, it is noted that on 27 July 2010, a Notice of Acceptance was incorrectly mailed to applicant indicating that the requirements of 35 U.S.C. 371(c) were complete. The Notice is hereby **VACATED**.

Petition under 37 CFR 1.47(a)

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Nonsigning Legal Representative(s) for Deceased Inventor Campbell Wallace

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

With respect to the legal representative of the deceased inventor Wallace, Items (1) and (4) for a petition under 37 CFR 1.47(a) outlined above were previously satisfied. With respect to Item (2), Petitioner had provided the first hand statement of fact Helga Chapman regarding the legal representative of the deceased inventor's refusal to sign the application papers. With the instant renewed petition, Petitioner has now confirmed that the deceased inventor's widow Christine Wallace is the legal representative for the deceased inventor.

Helga Chapman stated that she attempted to obtain the signature of legal representative of the deceased inventor by contacting the son of the deceased inventor via email on 02 July 2009. Thereafter. on 13 October 2009, Ms. Chapman wrote to Christine Wallace, the widow of the deceased inventor. On 02 November 2009, Ms. Chapman received a telephone response from Mrs. Wallace. According to Ms. Chapman, Mrs. Wallace "confirmed that she was entitled to sign the papers as the heir pursuant and was in receipt of the papers sent to her son on 02 July 2009 as well as the letter sent directly to her on October 13, 2009". Mrs. Wallace "refused to execute the Declaration and Assignment without payment from BPB Limited". According to Ms. Chapman, on 13 April 2010, Mrs. Wallace telephoned Ms. Chapman to say that she "had the signed documents in her hand ready to send to us if we paid her....".

However, a closer review of the evidence presented reveals that the 02 July 2009 email to Fraser Wallace (Ms. Wallace's son) and the 13 October 2009 letter to Ms. Wallace do not demonstrate that Ms. Wallace was provided with a complete copy of the application papers relating to U.S. application 11/988,833 for her signature. Rather, documents relating to other applications were presented. There is no evidence that a complete copy of the application papers relating to U.S. application 11/988,833 was provided to Mrs. Wallace for her signature. Moreover, it appears from the "Subject" line of email to Fraser Wallace that only the third page of the declaration was supplied to the legal representative for her signature. A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application . This is insufficient evidence to conclude that the legal representative refuses to sign the declaration. Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal, states, in pertinent part:

A refusal by an inventor to sign an oath or declaration when the inventor

> has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or , if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.... 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 USPQ 80 (Comm'r Pat. 1956)

(Emphasis added.)

A complete copy of the application papers relating to the above referenced application must be presented to the legal representative for the deceased inventor before it can be concluded that the nonsigning legal representative refuses to sign the application papers. Thus, with regard to the legal representative of deceased inventor Wallace, Petitioner has not satisfied Item (2). Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time. The petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

CONCLUSION

The Notice of Acceptance mailed on 27 July 2010 is hereby **VACATED**.

The petition under 37 CFR §1.47(a) with respect to deceased inventor Wallace is **DISMISSED WITHOUT PREJUDICE**.

At this time, the request for status under 37 CFR 1.42 is **DISMISSED**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3286
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 12 2011

PCT LEGAL ADMINISTRATION

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

Sean P. O'Hanlon
Bingham McCutchen
2020 K Street, NW
Washington DC 20006

In re Application of :
CADDEN et al. :
Serial No.: 11/988,833 : DECISION ON
PCT App. No.: PCT/GB06/02222 :
Int'l Filing Date: 16 June 2006 : PETITIONS
Priority Date: 16 July 2005 :
Attorney Docket No.: 705916-2001 : UNDER 37 CFR 1.47(a) & 1.42
For: CUTTING TOOL :

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) and 1.42, filed 28 June 2011 in the above-captioned application in the United States Patent and Trademark Office (USPTO). Petitioner's request for a one month extension of time is granted.

BACKGROUND

The procedural history of this application was set forth in the decision mailed on 28 March 2011 and is incorporated herein by reference. The decision dismissed the petition under 37 CFR 1.47(a) with regard to the non-signing legal representative of deceased inventor Campbell Wallace.

DISCUSSION

Petitioner has now presented the declaration signed by previously nonsigning legal representative of deceased inventor CAMPBELL WALLACE. The petition under 37 CFR 1.47(a) is dismissed as moot as the legal representative of the deceased inventor has signed a declaration.

However, the declaration executed by the legal representative is not acceptable. 37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. The declaration filed on 28 June 2011 is unacceptable because with respect to the deceased inventor and the legal representative, it indicates the citizenship for only one individual. It is unclear whether this information is for the legal representative or the deceased inventor.

37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. The declaration states the relationship of the person (legal representative) who is signing the declaration on behalf of the

deceased inventor. However, 37 CFR 1.497(b)(2) further states that, *where the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative (heir). The declaration must also state the citizenship, residency and last mailing address of the deceased inventor to comply with 37 CFR 1.497(a)(3).* The declaration as submitted does not indicate the citizenship, residency or mailing address for both the deceased inventor and his legal representative. Accordingly, the declaration is not in compliance with 37 CFR 1.497(b)(2).

The declaration must identify all inventors including the deceased inventor and his legal representative and state the country of citizenship, residency and mailing address for *both* the deceased inventor and the legal representative/heir(s), for compliance with 37 CFR 1.497(b)(2). Accordingly, it is inappropriate, at this time, to accept the declaration as filed and to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **DISMISSED WITHOUT PREJUDICE.**

The petition under 37 CFR §1.47(a) with respect to deceased inventor Wallace is **DISMISSED AS MOOT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Cynthia M. Kratz/
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NOV 30 2011

PCT LEGAL ADMINISTRATION

Sean P. O'Hanlon
Bingham McCutchen
2020 K Street, NW
Washington DC 20006

In re Application of	:	
CADDEN et al.	:	
Serial No.: 11/988,833	:	DECISION ON
PCT App. No.: PCT/GB06/02222	:	
Int'l Filing Date: 16 June 2006	:	RENEWED PETITION
Priority Date: 16 July 2005	:	
Attorney Docket No.: 7059162001	:	UNDER 37 CFR 1.42
For: CUTTING TOOL	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.42, filed 28 September 2011, in the above-captioned application in the United States Patent and Trademark Office (USPTO).

BACKGROUND

The procedural history of this application was set forth in the decision mailed on 28 March 2011 and is incorporated herein by reference. On 12 September 2011, the petition under 37 CFR 1.47(a) is dismissed as moot as the legal representative of the deceased inventor has signed a declaration. However, the declaration did not meet the requirements of 37 CFR 1.497(a) and (b).

DISCUSSION

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative.

Counsel of record states that "both the deceased inventor and his legal representative (his wife) have the same British citizenship as well as the same mailing address and residence." With this statement, the declaration, submitted on 28 June 2011 and identifying Christine Wallace as the legal representative of the deceased inventor Campbell Wallace, satisfies the requirements of 37 CFR 1.497(a) and (b). Accordingly, it is appropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**. The declarations meet the requirements of 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 28 June 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
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UNITED STATES PATENT AND TRADEMARK OFFICE

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Kalamazoo MI 49007-3800

MAILED

JUN 10 2011

OFFICE OF PETITIONS

In re Application :
Baik, et al. :
Application No. 11/988,848 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: January 15, 2008 :
Dkt. No.: 224990/06-028CUS/132865 :

This is in response to the application for patent term adjustment under 37 CFR 1.705(b), filed June 2, 2011.

Applicant submits that the correct patent term adjustment to be indicated on the patent is 810 days, not 551 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction on the basis that the Office will take in excess of three years to issue this patent.

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 fee[1].

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).

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

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

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

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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.
11/988,851	01/15/2008	Rodrigo Sarria-Millan	13987-00084-US	4341

29137 7590 02/13/2012

BASF SE
CARL-BOSCH-STRASSE 38
LUDWIGSHAFEN, D67056
GERMANY

EXAMINER	
BUI, PHUONG T	
ART UNIT	PAPER NUMBER
1638	
MAIL DATE	DELIVERY MODE
02/13/2012	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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FEB 13 2012

Patricia A. McDaniels
BASF SE
CARL-BOSCH-STRASSE 38
LUDWIGSHAFEN D6705-6 DE GERMANY

In re Application of	:
Sarria-Millan et al	:Decision on Petition
Serial No.: 11/988,851	: w
Filed : 15 January 2008	:
Attorney Docket No.: 13987-00084-US	:

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 8 December 2011 requesting reconsideration of the restriction requirement mailed 14 September 2010.

BACKGROUND

This application was filed as a national stage application in compliance with 35 U.S.C. 371 and as such is entitled to re-consideration under PCT Unity of Invention rules.

On 14 September 2010, the examiner set forth a restriction requirement which divided the claims 1-48 into four groups and required further election of a single polynucleotide sequence which encodes a single polypeptide sequence.

On 9 March 2011, applicants elected Group III, and SEQ ID NO 1 which encodes the polypeptide of SEQ ID NO 2, both elections being made with traverse.

On 8 June 2011, the examiner mailed to applicants a non-final Office action in which the traversal was considered, and the requirement was made final. The examiner indicated that new claims 49-51 and 54-63 were linking claims and only SEQ ID Nos 1 and 2 were examined in claims 52 and 53. The examiner required applicants to delete non-elected inventions from claims 52 and 53. Claims 49-63 were rejected under 35 U.S.C. 112, 2nd paragraph for indefiniteness, 35 U.S.C. 112, 1st paragraph for written description, and scope of enablement. Claims 49-51 and 54-63 were rejected under 35 U.S.C. 102(b) as being anticipated by Inze et al. Claims 49-63 were rejected under 35 U.S.C. 102(b) as being anticipated by or in the alternative, obvious over Inze et al.

On 8 December 2011, applicants filed a response to the Office action along with this petition.

DISCUSSION

The file history and petition have been considered carefully.

Current Claim 49 is generic to a method of using polynucleotides encoding plant Type 4 serine hydroymethyltransferases to increase yield of crop plants. No particular sequences are recited in Claim 49. Dependent claims 52 and 53 are drafted in Markush claim format and recite a list of alternative polypeptide and polynucleotides sequences.

The petition points to the McClung reference, attached as Exhibit 1, and Figures 9-14 of the disclosure to demonstrate the chemical and structural relatedness of the claimed polypeptide sequences. The petition provides Exhibit 2, to show that the polynucleotide sequences encode Type 4 serine hydroxymethyltransferases. The petition questions treatment of placing polynucleotide sequences, recited in the alternative of dependent Markush claims, into separate groups for examination.

On 9 February 2011, the Office published 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." This Notice applies to both national applications filed under 35 U.S.C. 111(a) and national stage applications filed in compliance with 35 U.S.C. 371. 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)."

Because claims 52 and 53 are drafted in Markush format, it would be counter to the guidelines to maintain the restriction requirement between the embodiments of the Markush claims (sequences recited in current Claims 52 and 53). In keeping with the 9 February 2011 Federal Register Notice, the restriction requirement is hereby replaced with a provisional election of species requirement for search purposes.

It is noticed that the examiner has required applicants to delete non-elected inventions from Claims 52 and 53. This is counter to MPEP 803.02 and 821.03. During examination, applicants have a right to retain non-elected embodiments recited in the alternative of a single claim and to retain process claims that make or use the elected product.

DECISION

The petition filed on 8 December 2011 under 37 CFR 1.144 is **GRANTED** follows.

The restriction requirement made between the sequences has been withdrawn and reformatted as a provisional election of species requirement. Markush claims are to be examined according to the guidance in MPEP 803.02 and the Federal Register Notice of February 2011.

The requirement to delete non-elected inventions from Claims 52 and 53 is withdrawn.

The application will be forwarded to the examiner to consider the papers filed 8 December 2011, and to prepare an Office action addressing the process claims consistent with this petition decision.

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

Wanda Walker
Director, Technology Center 1600

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TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER, EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED

AUG 09 2010

OFFICE OF PETITIONS

In re Application of :
BAJJALIEH, William et al. :
Application No. 11/988,862 : DECISION ON PETITION
Filed: January 15, 2008 : TO WITHDRAW
Attorney Docket No. **EX06-011C-US** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 11, 2010.

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

A review of the file record indicates that the power of attorney to TOWNSEND AND TOWNSEND AND CREW LLP has been revoked by the assignee of the patent application on June 08, 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 Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **JONATHAN P. O'BRIEN, PH.D., HONIGMAN MILLER SCHWARTZ AND COHN LLP**
350 EAST MICHIGAN AVENUE, SUITE 300
KALAMAZOO MI 49007-3800

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Paper No.

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Kalamazoo MI 49007-3800

MAILED
MAY 17 2011
OFFICE OF PETITIONS

In re Application No. 11/988,862	:	
Bajjalieh et al.	:	DECISION ON
Filed: January 15, 2008	:	REQUEST FOR
Attorney Docket No. EX06-011C-US	:	RECONSIDERATION OF
Title: PHOSPHATIDYLINOSITOL 3-KINASE INHIBITORS AND METHODS OF THEIR USE	:	PATENT TERM ADJUSTMENT

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed on April 28, 2011. Applicant submits that the correct patent term adjustment to be indicated on the patent is four hundred and ninety-two (492) days, not two hundred and eighty-three (283) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent.

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

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

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

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

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

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

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

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

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

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

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No.

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MAILED

OCT 11 2011

OFFICE OF PETITIONS

In re Patent No. 7,989,622 :
Bajjalieh et al. : DECISION ON
Issue Date: August 2, 2011 : REQUEST FOR
Application No. 11/988,862 : RECONSIDERATION OF
Filed: January 15, 2008 : PATENT TERM ADJUSTMENT
Attorney Docket No. EX06-011C-US :

This is a decision on the "REQUEST FOR RECONSIDERTAION OF PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(d)," filed September 30, 2011, requesting that the patent term adjustment determination for the above-identified patent be changed from three hundred and sixty-eight (368) days to four hundred and sixty-six (466) 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 four hundred and sixty-six (466) days is **DISMISSED.**

BACKGROUND

On August 2, 2011, the above-identified application matured into US Patent No. 7,989,622 with a patent term adjustment of 368 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See 37 C.F.R. § 1.705(d).

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

Patentees agree that the over three-year period stops with the filing of a RCE. The sole item in dispute is whether the three-year period should restart with 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 35 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 January 16, 2011 and ends on April 10, 2011, the day before the first RCE was filed, which amounts to 85 days.

Patentees argue that the 98-day period between the mailing of the notice of allowance on April 27, 2011 and the issuance of the patent on August 2, 2011 should be included in the period of B-delay, as "the time consumed by continued examination is limited to the number of days in the period beginning on the date on which a request for continued examination of the application was filed and ending on the date of the mailing of the Notice of Allowance (emphasis included)."[1] As such, Patentees argue that the over three-year period begins on January 16, 2011, pauses on April 11, 2011, restarts on April 27, 2011 with the mailing of the notice of allowance, and ends on August 2, 2011 with the issuance of the patent.

Patentees' 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. 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 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.

[1] Petition, page 4.

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"[2] 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

[2] 35 U.S.C. 154(b)(1)(B)(i).

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)[3]. Clause (i) specifies "any time consumed by continued examination of the application requested by the applicant under section 132(b)." Clause (ii) specifies "any

[3] 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.

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

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

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

By nature, the time used in the course of the examination process continues to issuance of the patent. The examination

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

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

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is pending before the USPTO (*i.e.*, until a patent is granted or the application is abandoned). See 37 CFR 1.56(a) ("[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned"). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures[4] 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

[4] 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.

examine the application via a request for continued examination, in lieu of, the filing of a continuing application under 37 CFR 1.53(b).

Accordingly, at issuance, the Office properly entered 85 additional days of patent term adjustment for the Office taking in excess of 3 years to issue the patent. It follows that Patentee is entitled to a patent term adjustment of 368 days:

	344 days of examination delay
+	85 days attributable to the Office taking in excess of 3 years to issue the patent
-	0 days of overlap
-	61 days of applicant delay.
=	368 days

CONCLUSION

In view thereof, no adjustment to the patent term will be made. It follows that a certificate of correction is not required.

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.

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[5] hand-delivery,[6] or facsimile.[7] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[8]

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3225.[9]

Paul Shanoski
Senior Attorney
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/988,870	02/27/2009	Ian Malcolm Smith	JPD-4398-819	2050

23117 7590 09/17/2010

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

EXAMINER	
YU, JUSTINE ROMANG	

ART UNIT	PAPER NUMBER
3771	

MAIL DATE	DELIVERY MODE
09/17/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Applicant: Smith et al.
Appl. No.: 11/988,870
Filing Date: February 27, 2009
Title: HUMIDIFIER AND/OR FLOW GENERATOR FOR CPAP DEVICE
Attorney Docket No.: JPD-4398-819
Pub. No.: US 2009/0194106 A1
Pub. Date: August 6, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on September 13, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

The Applicant is reminded that a request for republication should include a complete clean copy of the amended application, including drawings. The applicant is not required to submit a marked-up version since the submission is not entered into the application file.

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

25 AUG 2010

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
www.uspto.gov

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

In re Application of	: DECISION ON RENEWED
SIMMELINK et al	:
Application No.: 11/988,881	:
PCT No.: PCT/EP2006/006273	: PETITION UNDER
Int. Filing Date: 28 June 2008	:
Priority Date: 18 July 2007	:
Attorney Docket No.: BHD-4662-727	:
For: POLYETHYLENE MULTI-FILAMENT YARN	: 37 CFR 1.182

This is in response to applicants' submission "RESPONSE TO OFFICE COMMUNICATION" filed on 10 August 2009, which is being treated as a petition under 37 CFR 1.182. This submission states that the correct name of the third joint inventor is Harm VAN DER WERFF. The petition fee of $400.00 has been charged to Deposit Account No.: 14-1140.

BACKGROUND

In a communication from this Office on 12 May 2009, it stated that the proper name of the third joint inventor was unclear.

On 10 August 2009, this petition was filed and states that the correct name of the third joint inventor is Harm van der Werff in a first-name-first and last-name-last format.

DISCUSSION

The present petition clarifies the correct name of the third joint inventor as Harm VAN DER WERFF . The affidavit from joint inventor Mr. van der WERFF clarifies his name by stating that his correct name using the first-name-first and last name-last format is Harm **VAN DER WERFF** (surname). This is how the name appears in the executed declaration.

For the reasons above, the application may enter into national stage processing at this time.

CONCLUSION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-6376
Facsimile: (571) 273-0459

Doc Code: PPH.PCT.882
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0038
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 EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	11/988,893	Filing date:	March 10, 2008
First Named Inventor:	Gunther Oskar ECKERT		
Title of the Invention:	Printing Machine System		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2006/065419

The international date of the corresponding PCT application(s) is/are: August 17, 2006

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐ is attached

☑ is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ is attached.

☑ is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(a). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 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.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.	11/988,893
First Named Inventor	Gunther Oskar ECKERT

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on January 16, 2008

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on January 16, 2008

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
95 - 119	1 - 25	direct correspondence
120 - 124	26 - 30	U.S. claims amended to remove multiple dependencies
		present in PCT claims
125 - 137	31 - 43	direct correspondence
138 - 142	44 - 48	U.S. claims amended to remove multiple dependencies
		present in PCT claims
143	49	direct correspondence

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date September 29, 2010
Name (Print/Typed) Douglas R. Hanscom	Registration Number 26600

KARIN T. DUNN

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1422 · DUNN6FAM@MSN.COM

Date: September 28th, 2010

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of the claims for PCT/EP2006/065419, filed on 17 August 2006 and published on 28 June 2007 as WO 2007/071459 A1.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

Karin T. Dunn

Translation of the pertinent portions of a Notification Advising the Forwarding of the International Search Report and the Written Notification from the International Searching Authority or the Declaration, mailed 01/30/2007

This International Search Report comprises a total of 5 pages.

x. Moreover, copies of the documents in regard to the prior art cited in this report are also enclosed.

1. **Basis of the Report**

a. Regarding the **language**, the international search is based on

x the international application in the language in which it was filed.

4. Regarding the title of the invention:

X the wording filed by Applicant is approved.

5. Regarding the abstract:

X the wording was determined by the Office in accordance with Rule 38.2b) in the version indicated in Field IV [and as shown on the cover sheet of the published PCT application]

6. Fig. 1, as selected by the Office, is to be published with the abstract, since Applicant has not proposed a drawing figure.

WRITTEN REPORT FROM THE INTERNATIONAL SEARCHING AUTHORITY

1. This report contains information regarding the following items:

Field No. I Basis of the Report
Field No. V Reasoned Determination under Rule 43bis.1(a)(i)

Field No. I Basis of the Report

a. Regarding the **language**, the international search is based on

x the international application in the language in which it was filed.

Field No. V Reasoned Determination under Rule 43bis.1(a)(i)

1. Determination

Novelty	Yes:	Claims 1 to 49
	No:	Claims
Inventive Activities	Yes:	Claims 1 to 49
	No:	Claims
Commercial Applicability	Yes:	Claims 1 to 49
	No:	Claims

2. Documents and Explanations:

see the attached sheet

ATTACHED SHEET

Re.: Item V

1 CLARITY

Present claim 1 is not clear (Article 6 PCT): a printing press system as described in present independent claim 1 consists of only two printing presses, which are neither mechanically nor functionally connected with each other. For this reason these are printing presses which are oriented in a line, but have nothing to do with each other. It is therefore possible in an extreme case to understand a printing press system to be a building in which printing presses are located in a line. Such a system is known to one skilled in the art: he would take two printing presses of different format into consideration and would position them one after the other.

To overcome this lack of clarity, present claim 1 was understood to read as follows:

"(...), and with a printing press combined with the first printing press (...)". The basis for this supplementation can be found in the present specification on page 3, first paragraph, page 9, third paragraph, or page 15, third paragraph.

2 Reference is made to the following document:

D1: US 2001/029856 A1

3 Independent Claim 1

3.1 D1 discloses (the references in parentheses refer to this document) a printing press system, having a first printing press (6) embodied as a newspaper printing press (para. [0023])), which has at least two first printing units (6.1, 6.2, 6.3), each designed as printing towers (6.1, 6.2, 6.3) with respectively several printing groups arranged on top of each other for two-sided multi-color printing, as well as a first former structure (3) arranged in the machinery alignment of these printing units (6.1, 6.2, 6.3), and having a second printing press (1), which is combined with the first printing press, wherein the first printing units () and the at least one second printing unit (1.1, 1.2, 1.3) are arranged in a line, i.e. that in the projection of their width onto a plane perpendicularly in relation to the machinery alignment the printing units (1.1, 1.2, 1.3, 6.1, 6.2, 6.3) at least overlap each other (Fig. 1), wherein the first printing units (6.1, 6.2, 6.3) embodied as printing towers differ in the maximum length effective for printing and/or in circumference of

the image-conveying printing group cylinder (paras. [0024], [0025] and 0028].

3.2 Claim 1 differs from D1 in that the second printing press has a second former structure.

3.3 The object to be attained here consists in designing a printing press system to be more flexible in order to be able to print mixed products, as well as separate products.

3.4 This object is attained in that the second printing press has its own former. In the prior art no suggestion is offered to one skilled in the art to equip each printing press with a former. This is clearly not a slight structural variation, since an additional former means a special routing of the web (turning bar unit) and a technically different device.

Therefore present claim 1 is inventive (Article 33(3) PCT).

4 Dependent Claims 2 to 49

Claims 2 to 49 depend from claim 1 and therefore also meet the requirements of Article 33(2) and (3) PCT.

Claims

1. A printing press system having a first printing press (01) embodied as a newspaper printing press (01), which has at least two first printing units (02), configured as printing towers (02), each with several printing groups arranged on top of one another for two-sided multi-color printing, as well as a first former structure (07) arranged in a machinery alignment (M1) of these printing units (02), and having a second printing press (31), which has at least one second printing unit (03) and a second former structure (17), wherein the first printing units (02) and the at least one second printing unit (03) are arranged in a line, i.e., that in the projection of their width onto a plane that is perpendicular in relation to the machinery alignment (M1; M2), the printing units (02; 03) at least overlap one another, characterized in that the first printing units (02; 03) configured as printing towers (02) differ from the second printing units (03) in terms of the maximum length that is effective for printing and/or in terms of the circumference of the image-conveying printing group cylinder (04; 14).

2. The printing press system in accordance with claim 1, characterized in that a bay window arrangement is provided, by means of which a web (21) or partial web (21.1; 21.2) imprinted by the second printing unit (03) can be conducted underneath or above a web (11) or partial web (11.1; 11.2) imprinted by the first printing unit (02).

3. The printing press system in accordance with claim 1, characterized in that center machinery alignments (M1; M2) extending at the level of a plane of symmetry which divides the printing group cylinders (04; 06) in half lengthwise are parallel but laterally spaced from one another.

4. The printing press system in accordance with claim 1, characterized in that ends of the effective barrel widths of the printing group cylinders (04; 06; 14; 16) of the printing units (02; 03), which differ in length, are aligned on one machine side, while the ends are offset on the other machine side.

5. The printing press system in accordance with claim 4, characterized in that the offset between the two machinery center planes (M1; M2) is preferably a whole number multiple of the width of a print image located on an image-conveying printing group cylinder (04) in the first printing unit (02).

6. The printing press system in accordance with claim 1, characterized in that a web (21) or partial web (21.1; 21.2) imprinted by the second printing unit (03) can, during separate production, be selectively conducted onto the second former structure (17) or, during mixed production, can be conducted together with a web (11) or partial web (11.1; 11.2) imprinted in the first printing press (01) onto the first former structure (07) arranged in the first machinery alignment (M1).

7. The printing press system in accordance with claim 1, characterized in that with respect to their axial direction, the printing group cylinders (04; 06; 14; 16) of the first and second printing units (02; 03) are arranged substantially parallel in relation to one another.

8. The printing press system in accordance with claim 1, characterized in that with respect to a transport direction (T1; T1'; T2), projected into the horizontal plane, of a web (11; 21) running up on the two former structures (07; 17), the latter are positioned orthogonally to one another.

9. The printing press system in accordance with claim 1, characterized in that with respect to a transport direction (T1; T1'; T2), projected into the horizontal plane, of a web (11; 21) running up on the two former structures (07; 17), the latter are positioned parallel to one another.

10. The printing press system in accordance with claim 1, characterized in that the second printing unit (03) and the second former structure (17) are arranged in a shared machinery alignment (M2) extending perpendicularly with respect to the axial direction of the printing group cylinders (14; 16) of the second printing unit (03).

11. The printing press system in accordance with claim 1, characterized in that a machinery alignment (M2) of the second printing press (31), which alignment extends perpendicularly to the axial direction of the printing group cylinders (14; 16) of the second printing unit (03), extends substantially parallel to the machinery alignment (M1) of the first printing press (01), which alignment extends perpendicularly to the axial direction of the printing group cylinders (04; 06) of the first printing unit (02).

12. The printing press system in accordance with claim 1, characterized in that the second printing unit (03) and the former structure (17) of the second printing press (31) are arranged in the manner of an in-line machine in a shared machinery alignment (M2), which extends perpendicularly with respect to the axial direction of the printing group cylinders (04; 06).

13. The printing press system in accordance with claim 1, characterized in that a turning arrangement (10) is provided at least in the machinery alignment (M1) of the first printing press (01), over which turning arrangement a web (21) imprinted by the second printing unit (03) can be conducted in a production situation onto the former structure (07) of the second printing press (31).

14. The printing press system in accordance with claim 1, characterized in that a turning arrangement (10) is provided at least in the machinery alignment (M1) of the first printing press (01), over which turning arrangement a web (11) or partial web (11.1; 11.2) imprinted by the first printing unit (02) can be conducted onto the former structure (17) of the second printing press (17).

15. The printing press system in accordance with claim 1, characterized in that the former structure (07) of the first printing press (01) has a group of at least two fold formers (09) arranged side-by-side in the same machine plane.

16. The printing press system in accordance with claim 15, characterized in that two such groups of fold formers (09) arranged side-by-side are arranged one on top of the other.

17. The printing press system in accordance with claim 16, characterized in that the two groups differ in terms of the number and/or effective width of the fold formers (09) arranged side-by-side.

18. The printing press system in accordance with claim 1, characterized in that the former structure (17) of the second printing press (31) has at least one fold former (19) in one machine plane, or has a group of at least two fold formers (19) arranged side-by-side in the same machine plane.

19. The printing press system in accordance with claim 1, characterized in that the first and second former structures (07; 17) differ in terms of the number of fold formers (09; 09'; 19; 19') arranged side-by-side in one machine plane and/or in terms of the effective width of one or more fold formers (09; 19).

20. The printing press system in accordance with claim 1, characterized in that the printing units (03) of the second printing press (31) are embodied as printing towers (03) with several printing groups arranged one on top of the other.

21. The printing press in accordance with claim 20, characterized in that a web (11) can be imprinted on both sides in a multi-color process in each of the printing towers (02).

22. The printing press in accordance with claim 1, characterized in that the at least one first printing unit (02; 03) of the first printing press (01) and the at least one second printing unit (03; 02) of the second printing press (31) are embodied as printing units (02; 03) of different types.

23. The printing press in accordance with claim 22, characterized in that the two printing units (02; 03) of different types differ in terms of the printing method they use.

24. The printing press in accordance with claim 1, characterized in that the difference in the effective length is a whole number multiple of the width of a print image located on an image-conveying printing group cylinder (04) in the first printing unit (02).

25. The printing press in accordance with claim 1, characterized in that one of the printing units (02; 03) is configured as n-times wide and the other m-times wide, with $n \neq m$, wherein n- or m-times wide means the width for imprinting 2*n or 2*m printed pages in the longitudinal direction of the printing group cylinders (04; 14; 06; 16).

26. The printing press in accordance with claim 1, 22, 23 or 24, characterized in that means (15) for aiding drying, in particular a dryer (15), is arranged in the web path downstream of at least one printing unit (03) of the second printing press (31).

27. The printing press in accordance with claim 1, 22, 23, 24 or 26, characterized in that a web (11) imprinted by a printing unit (02) of the first type is conducted onto one of the former structures (07; 17) without interaction with a means to aid drying, and a web (21) imprinted by a printing unit (03) of the second type is conducted onto one of the former structures (07; 17) after passing through a means to aid drying.

28. The printing press in accordance with claim 1, 22, 23 or 24, characterized in that a web (11) of uncoated or lightly coated paper having a coating weight of at most 10 g/m^2, in particular newsprint, passes through the printing unit (02) of the one printing press (01), and a web (21) of coated paper having a coating weight of more than 10 g/m^2, in particular more than 20 g/m^2, passes through the printing unit (03) of the other printing press (31).

29. The printing press in accordance with claim 22 or 23, characterized in that the printing unit (02) of the one type is embodied as an offset printing unit, and the printing unit (03) of the other type is embodied as a flexographic printing unit.

30. The printing press in accordance with claim 22 or 23, characterized in that the printing unit (02) of the one type is embodied as an offset or flexographic printing unit, and the printing unit (03) of the other type is embodied as a printing unit for a non-impact process.

31. The printing press in accordance with claim 1, characterized in that the printing units (02; 03) of different widths are embodied differently in such a way that the maximally effective printing length for these printing group cylinders (04; 06; 14; 16) differs by at least one width of a print image of a printed page arranged on an image-conveying printing group cylinder (04) in the first printing unit (02).

32. The printing press in accordance with claim 1, characterized in that the printing units (02; 03) of different circumferences are embodied differently in such a way that the circumference of these printing group cylinders (04; 06; 14; 16) differs by at least one length of a print image of a printed page arranged on an image-conveying printing group cylinder (04) in the first printing unit (02).

33. The printing press in accordance with claim 1, characterized in that the one printing unit (02; 03) has printing group cylinders (04; 06) that are the width of at least four printed pages, and the other printing unit (03; 02) has printing group cylinders (14; 16) that are the width of only two printed pages of the same format.

34. The printing press in accordance with claim 1, characterized in that at least one image-conveying printing group cylinder (04) of the one printing unit (02; 03) has a circumference which corresponds to the length of two printed pages, and at least the image-conveying printing group cylinder (04) of the other printing unit (03; 02) has a circumference which corresponds to the length of only one printed page of the same format.

35. The printing press in accordance with claim 1, characterized in that a web (11) imprinted by the first printing unit (02) can be conducted, or is conducted, onto the first former

structure (07) arranged in the first machinery alignment (M1), while at the same time, a web (21) imprinted by the second printing unit (03) can be conducted, or is conducted, onto the second former structure (07).

36. The printing press in accordance with claim 1, characterized in that a partial web (11.1; 11.2; 21.1; 21.2) coming from the one printing press (01; 31) and containing print images of printed pages of a first format, and a partial web (21.1; 21.2; 11.1; 11.2) coming from the other printing press (31; 01) and containing print images of printed pages of a second format, which is different from the first format, are conducted onto the same former structure (07; 17).

37. The printing press in accordance with claim 36, characterized in that the two partial webs (11.1; 11.2; 21.1; 21.2) have different widths.

38. The printing press in accordance with claim 1, characterized in that an image-conveying printing group cylinder (04; 14) of the first printing unit (02) supports four printed pages of a defined format side-by-side in the axial direction, and an image-conveying printing group cylinder (14; 04) of the second printing unit (02) supports two printed pages of a defined format side-by-side in the axial direction.

39. The printing press in accordance with claim 1, characterized in that an image-conveying printing group cylinder (04; 14) of the first printing unit (02) supports six printed pages of a defined format side-by-side in the axial direction, and an image-conveying printing group cylinder (14; 04) of the second printing unit (02) supports two printed pages of a defined format side-by-side in the axial direction.

40. The printing press in accordance with claim 1, characterized in that an image-conveying printing group cylinder (04; 14) of the first printing unit (02) supports six printed pages of a defined format side-by-side in the axial direction, and an image-conveying printing group cylinder (14; 04) of the second printing unit (02) supports four printed pages of a defined format side-by-side in the axial direction.

41. The printing press in accordance with claim 1, characterized in that an image-conveying printing group cylinder (04; 14) of the first printing unit (02) supports four printing formes with printed pages of a defined format, side-by-side in the axial direction, and an image-conveying printing group cylinder (14; 04) of the second printing unit (02) supports two printing formes with printed pages of a defined format side-by-side in the axial direction.

42. The printing press in accordance with claim 1, characterized in that an image-conveying printing group cylinder (04; 14) of the first printing unit (02) supports six printing formes with printed pages of a defined format side-by-side in the axial direction, and an image-conveying printing group cylinder (14; 04) of the second printing unit (02) supports two printing formes with printed pages of a defined format side-by-side in the axial direction.

43. The printing press in accordance with claim 1, characterized in that an image-conveying printing group cylinder (04; 14) of the first printing unit (02) supports six printing formes with printed pages of a defined format, particularly a newspaper format, side-by-side in the axial direction, and an image-conveying printing group cylinder (14; 04) of the second printing unit (02) supports four printing formes with printed pages of a defined format, side-by-side in the axial direction.

44. The printing press in accordance with claim 1, 38, 39, 40, 41, 42 or 43, characterized in that an image-conveying printing group cylinder (04; 14) of one of the two different printing units (02; 03) supports two printing formes with printed pages of a defined format in the circumferential direction, and an image-conveying printing group cylinder (14; 04) of the other printing unit (03; 02) supports only one printing forme with one printed page of a defined format in the circumferential direction.

45. The printing press in accordance with claim 1, 38, 39, 40, 41, 42, 43 or 44, characterized in that the printing formes or the printed pages relate to the same format.

46. The printing press in accordance with claim 1, 38, 39, 40, 41, 42, 43, 44 or 45, characterized in that the printing formes or the printed pages relate to a newspaper format.

47. The printing press in accordance with claim 1, 38, 39, 40, 41, 42, 43, 44 or 45, characterized in that the printing formes or the printed pages relate to a tabloid format.

48. The printing press in accordance with claim 1, 38, 39, 40, 41, 42, 43 or 44, characterized in that the printing formes are embodied as releasable printing plates.

49. The printing press in accordance with claim 1, characterized in that in addition to the turning arrangement (10), the first printing press (01) has in its superstructure a longitudinal cutting device and a turning arrangement for partial-width webs.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/988,893	03/10/2008	Gunther Oskar Eckert	W1.2758 PCT-US	2021

23294 7590 11/09/2010

JONES, TULLAR & COOPER, P.C.
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EXAMINER	
HINZE, LEO T	

ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
11/09/2010	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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In re Application of	**: DECISION ON REQUEST TO**
ECKERT et al.	**: PARTICIPATE IN THE PCT PATENT**
Application No.: 11/988,893	**: PROSECUTION HIGHWAY PILOT**
Filed: 10 March 2008	**: PROGRAM AND PETITION**
Attorney Docket No.: W1.2758 PCT-US	**: TO MAKE SPECIAL UNDER**
For: PRINTING MACHINE SYSTEM	**: 37 CFR 1.102(d)**

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 29 September 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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;

(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 and a statement that the English translation is accurate if the latest international work product is not in the English language;

(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 PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

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 once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
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OCT 26 2011

PCT LEGAL ADMINISTRATION

In re Application of :
ULMER *et al* :
U.S. Application No.: 11/988,895 :
PCT No.: PCT/US2006/027484 :
Int. Filing Date: 15 July 2006 :
Priority Date: 15 July 2005 :
Attorney Docket No.: PAT052444-US-PCT :
For: PAMPS, PATHOGEN ASSOCIATED :
MOLECULAR PATTERNS :

DECISION

This is a decision on the "Petition under 37 CFR § 1.78(a)(3)" filed 12 August 2011 to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED AS MOOT**.

A petition 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.

The petition was accompanied by an amendment to the first sentence of the specification following the title to include a reference to the prior-filed applications.

With regard to the claim to the international application, applicant is advised that it is not appropriate for a national stage application to claim the benefit under 35 U.S.C. § 120 of its corresponding international application as they are technically the same application.

With regard to the claim to the priori provisional application, MPEP § 201.11, Section III.E states, in relevant part:

> If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its

inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filling an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

In the present case, because the reference to the provisional application was contained in the international application and recognized by the Office by its inclusion on the initial filing receipt, a petiton under 37 CFR 1.78(a)(6) is not required to add such reference.

Any questions concerning this decision on petition may be directed to James Thomson at (571) 272-3302. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to the Examiner of Technology Center AU 1631 for appropriate action on the amendment filed 12 August 2011, including consideration of the claim under 35 U.S.C. § 120 and 37 CFR 1.78(a)(2) and the claim under 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5) for benefit of the prior-filed applications.

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

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DEC 13 2010

OFFICE OF PETITIONS

In re Application of :
Purcell, et al. : DECISION ON PETITION
Application No. 11/988,900 :
Filed: January 16, 2008 :
Atty. Dkt. No: TK9597WO(US) :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 16, 2010.

The application became abandoned June 25, 2010 for failure to timely submit a proper reply to the non-final Office action mailed March 24, 2010. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed October 28, 2010.

Petitioners request withdrawal of the holding of abandonment of the instant application on the basis of non-receipt of the non-final Office action. Petitioners have included, *inter alia*, a declaration setting forth practitioner's docketing procedures and copies of docketing records.

The showing required to establish non-receipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response. Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. See, MPEP 711.03(c).

The instant petition and supporting documents have been carefully review but are not found in compliance with procedures to establish non-receipt of an Office communication set forth at MPEP 711.03(c). Petitioners must clarify whether Exhibit E is an actual "Master Docket" for practitioner's law firm or address the availability of a "Master Docket" in order to assist the Office in determining if non-receipt of the non-final Office action has been demonstrated within the meaning of the procedures set forth at MPEP 711.03(c).

Accordingly, the petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby DISMISSED.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

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

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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In re Application of :
Purcell : DECISION ON PETITION
Application No. 11/988,900 :
Filed: January 16, 2008 :
Atty. Dkt. No: TK9597WO(US) :

This decision is in response to the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181, filed December 29, 2010.

The application was held abandoned June 25, 2010 for failure to timely submit a proper reply to the non-final Office action mailed March 24, 2010. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed October 28, 2010.

Petitioners request withdrawal of the holding of abandonment of the instant application on the basis of non-receipt of the non-final Office action.

The showing required to establish non-receipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response. Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. See, MPEP 711.03(c).

The instant petition and supporting documents have been carefully review and found in compliance with the requirements for establishing non-receipt of an Office communication.

In view thereof, the petition is hereby GRANTED. The holding of abandonment is withdrawn and the Notice of Abandonment is vacated.

This application is being directed to Group Art Unit 3676 for further processing of the reply to the non-final Office action filed November 16, 2010

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

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

Patent No. : 7,936,233 B2
Ser. No. : 11/988,953
Inventor(s) : Vellas et al.
Issued : May 3, 2011
Title : COAXIAL AUTOMATIC IMPEDANCE ADAPTOR
Docket No. : 4384-000061/US/NP
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

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number:	Application Number (if known): 11/989027	Filing date: July 30, 2008

First Named Inventor: Børge Holm Christensen

Title: METHOD AND APPARATUS FOR CONVERSION OF CELLULOSIC MATERIAL TO ETHANOL

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. **See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement of basis for special status

Signature /Robert C. Casad, Jr./	Date Dec. 27, 2010
Name (Print/Typed) Robert C. Casad, Jr.	Registration Number 51535

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 2 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 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

PTO/SB/420 (05-10)
Approved for use through 01/31/2011. OMB 0651-0062
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.

Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

***The following is a summary of the requirements** (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):*

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/989,027	07/30/2008	Børge Holm Christensen	46865US02	3394

95469 7590 01/13/2011

Plougmann & Vingtoft A/S
Sundkrogsgade 9
PO Box 831
Copenhagen, 2100
DENMARK

EXAMINER	
UNDERDAHL, THANE E	
ART UNIT	PAPER NUMBER
1651	

MAIL DATE	DELIVERY MODE
01/13/2011	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAN 13 2011

Plougmann & Vingtoft A/S
Sundkrogsgade 9
PO Box 831
Copenhagen 2100 DK DENMARK

In re Application of	:	
CHRISTENSEN, Børge Holm *et al.*	:	DECISION ON PETITION
Application No. 11/989027	:	TO MAKE SPECIAL UNDER
Filed: July 30, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 46865US02	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 27th, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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.

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 instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1651 for action on the merits commensurate with this decision.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner &
POC for TC 1600 Green Tech Petitions
Technology Center 1600

OK TO ENTER: /R.L./

Attorney Docket No.: 22578-0015US1 / 122.US2.PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Chu et al.
Patent No. : 7,833,730
Issue Date : November 16, 2010
Serial No. : 11/989,037
Title : METHODS OF USING GPR119 RECEPTOR TO IDENTIFY GIP SECRETAGOGUES

Art Unit : 1647
Examiner : Robert S. Landsman
Conf. No. : 3993
Filed : January 22, 2008

Attn.: Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REQUEST FOR CERTIFICATE OF CORRECTION

Applicant hereby requests that a Certificate of Correction be issued for the above patent in accordance with the attached request.

One or more of the errors sought to be corrected were made by applicant. The required fee set forth under 37 C.F.R. § 1.20(a) in the total amount of $100 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all requisite charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 22578-0015US1.

Respectfully submitted,

Date: December 15, 2010

/Jack Brennan/
Jack Brennan
Reg. No. 47,443

Customer Number 26204
Fish & Richardson P.C.
Telephone: (212) 765-5070
Facsimile: (877) 769-7945

22538203.doc

CERTIFICATE OF MAILING BY EFS-WEB FILING

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: December 15, 2010.

Staple Here Only

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. .: 7,833,730

APPLICATION NO .: 11/989,037

DATED .: NOVEMBER 16, 2010

INVENTOR(S) .: ZHI-LIANG CHU AND JAMES N. LEONARD

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

FIRST PAGE (Title), left column, lines 1-3, (54), delete "METHODS OF USING GPR119 TO IDENTIFY COMPOUNDS USEFUL FOR INCREASING BONE MASS IN AN INDIVIDUAL" and insert -- METHODS OF USING GPR119 RECEPTOR TO IDENTIFY GIP SECRETAGOGUES --.

Column 1, lines 1-3, delete "METHODS OF USING GPR119 TO IDENTIFY COMPOUNDS USEFUL FOR INCREASING BONE MASS IN AN INDIVIDUAL" and insert -- METHODS OF USING GPR119 RECEPTOR TO IDENTIFY GIP SECRETAGOGUES --.

In Claim 3, at column 88, line 26, delete "(d)" and insert -- (e) --.

In Claim 4, at column 88, line 33, delete "G Protein-Coupled Receptor (GPCR)" and insert -- G Protein-Coupled Receptor 119 (GPR119) --.

MAILING ADDRESS OF SENDER:

Jack Brennan
Fish & Richardson P.C.
P.O. Box 1022
Minneapolis, Minnesota 55440-1022

UNITED STATES PATENT AND TRADEMARK 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.
11/989,037	01/22/2008	Zhi-Liang Chu	22578-015US1	3993

26204 7590 01/06/2011

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

EXAMINER	
LANDSMAN, ROBERT S	

ART UNIT	PAPER NUMBER
1647	

NOTIFICATION DATE	DELIVERY MODE
01/06/2011	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):

PATDOCTC@fr.com

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20101228

DATE : December 30, 2010

TO SPE OF : ART UNIT 1647

SUBJECT : Request for Certificate of Correction on Patent No.: 7,833,730

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:

/JEFFREY STUCKER/
Supervisory Patent Examiner.Art Unit 1649

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

SEP 13 2010

OFFICE OF PETITIONS

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

In re Application No. 11/989,038 : DECISION ON REQUEST
Chu, et al. : FOR
Filed: January 22, 2008 : RECONSIDERATION OF
Attorney Docket No. 22578-016US1 123. : PATENT TERM ADJUSTMENT
US4.PCT

This is a decision on the petition filed on April 1, 2010, which is being treated as a petition under 37 CFR 1.705(b) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by two hundred and four (204) days.

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

The Office has updated the PAIR screen to reflect that the correct patent term adjustment determination at the time of the mailing of the notice of allowance is **two hundred and four (204) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On March 26, 2010, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) in the above-identified application. Applicants were advised that the patent term adjustment to date was 0 days. Pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a)(1)[1], 0 days of patent term

[1] 37 CFR § 1.702, provides grounds for adjustment of patent term due to examination delay under the Patent Term Guarantee Act of 1999 (original applications, other than designs, filed on or after May 29, 2000).

> (a) Failure to take certain actions within specified time frames. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to:
> (1) Mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application;

adjustment were accorded during the pendency of the application for Office delay prior to the issuance of patent.

In response, applicants timely[2] filed the instant request for reconsideration of the patent term adjustment. Applicants state that the period of adjustment to the patent term pursuant to 37 CFR 1.702(a)(1) and 37 CFR 1.703(a)(1) should be 227 days, not 0 days. Specifically, applicants state that:

> [o]n January 19, 2008, Applicants filed a first submission of items under 35 U.S.C. 371, which submission included an authorization for Commissioner to charge all required fees to Applicant's deposit account. On January 22, 2008, Applicants filed a second submission under § 371, which submission included (i) a Combined Declaration and Power of Attorney executed by the inventors, and (ii) an express request to begin national examination procedures under 35 U.S.C. 371(f). In view of Applicants' submission of January 22, 2008, all requirements of § 371 were fulfilled on that date.
>
> The Notice of Acceptance acknowledged the § 371(c) completion date for the application as being January 22, 2008. However, the Notice of Acceptance erroneously recited October 11, 2008 as the § 317 completion date for the application. The erroneous § 371 completion date listed in the Notice appears to be based upon the incorrect assumption that the national stage commenced under § 371(b) upon the expiration of the 30 month period measured from the priority date of the application (which 30 month period expired on October 11, 2008). However, as detailed in the previous paragraph, the national stage commenced prior to the 30 month date—on January 22, 2008—in view of Applicants' early compliance with all applicable requirements of § 371(c) and filing of an express request for national stage processing under 35 U.S.C. § 371(f).

Excerpt taken from "Application for Patent Term Adjustment Under to 37 CFR § 1.705(b)", filed April 1, 2010, pgs. 1-2.

A review of the application file history reveals that all of the requirements under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) were received on January 19, 2008, except additional claim fees

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[2] The issue fee was paid on April 1, 2010.

totaling $1300.00 and an executed declaration in compliance with 37 CFR 1.497(a) and (b). As established by an United States Postal Service, Express Mail Service postcard receipt, an executed declaration in compliance with 37 CFR 1.497(a)and (b) was deposited with the Express Mail Service on January 22, 2008. Accordingly, the declaration is entitled to a filing date of January 22, 2008. See 37 CFR 1.10. It is noted that the papers filed January 19, 2008, contained an authorization to charge a deposit account for any fees necessary. The Office did not, however, charge the additional claim fees as authorized. Applicants paid the additional claim fees on June 19, 2009. Notwithstanding, the last of the requirements 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) were received on January 22, 2008, as the executed declaration in compliance with 37 CFR 1.497(a) and (b) was filed on that date and there was an authorization to charge a deposit account for additional claim fees present in the file on January 22, 2008. Accordingly, the date of completion of all 35 U.S.C. 371 requirements is January 22, 2008[3].

The application history has been reviewed and it has been determined that the period of adjustment to the patent term pursuant to 37 CFR 1.702(a)(1) and 37 CFR 1.703(a)(1) is 227 as applicants assert.

At the outset, it is noted that the Office did not use the completion date of January 22, 2008, in calculating the period of adjustment under 37 CFR 1.703(a)(1). As stated in 37 CFR 1.703(a)(1), the period of adjustment under § 1.702(a) is the number of days in the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements under 35 U.S.C. 371 and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first. It is noted that the requirements of 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) were received on January 22, 2008,

Pursuant to 37 CFR 1.703(a)(1), the period of adjustment under 37 CFR 1.702(a) is 227 days, counting the number of days beginning on the day after the date that is fourteen months after the date on which the application fulfilled the requirements under 35 U.S.C. 371, March 23, 2009, and ending on

[3] It is noted that on an express request for early processing under 35 U.S.C. 371(f) was also received on January 22, 2008.

the date of mailing of the non-final Office action, November 4, 2009. Accordingly, the period of adjustment to the patent term of 227 will be entered.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is 204 days (227 days of Office delay - 23 days of applicant delay).

The $200.00 fee set forth in 37 CFR 1.18(e) is being charged as authorized. No additional fees are required.

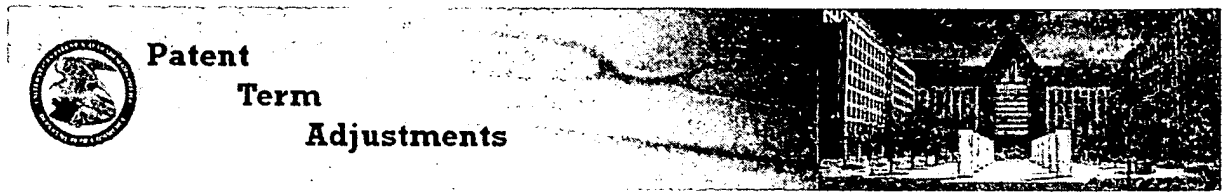
Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PAIR Screen



Patent Term Adjustments

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

Application Number*: 11989038 Search | Explanation of PTA Calculation | Explanation of PTE Calculation

PTA Calculations for Application: 11989038

Application Filing Date	01/22/2008	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	0
A Delays	0	PTO Manual Adjustment	227
B Delays	0	Applicant Delay (APPL)	23
C Delays	0	Total PTA (days)	204

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
98	09/09/2010		P028	Adjustment of PTA Calculation by PTO	227		0
89	03/26/2010		MN/=.	Mail Notice of Allowance			0
88	03/23/2010		IREV	Issue Revision Completed			0
87	03/23/2010		N/=.	Notice of Allowance Data Verification Completed			0
86	03/23/2010		DVER	Document Verification			0
85	03/19/2010		CNTA	Notice of Allowability			0
80	03/18/2010		ABN9	Disposal for a RCE / CPA / R129			0
84	03/16/2010		IDSC	Information Disclosure Statement considered			0
83	03/16/2010		RCAP	Reference capture on IDS			0
82	03/16/2010		M844	Information Disclosure Statement (IDS) Filed			0
81	03/16/2010		RCEX	Request for Continued Examination (RCE)			0
79	03/16/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
78	03/16/2010		BRCE	Workflow - Request for RCE - Begin			0
76	02/25/2010		EML_NTR	Email Notification			0
75	02/25/2010		MM327	Mail Miscellaneous Communication to Applicant			0
74	02/19/2010		M327	Miscellaneous Communication to Applicant - No Action Count			0
72	02/02/2010		EIDC	Export to Initial Data Capture			0
70	01/28/2010		ELC_RVW	Electronic Review			0
69	01/28/2010		EML_NTF	Email Notification			0
68	01/28/2010		EML_NTR	Email Notification			0
67	01/28/2010		MEX.A	Mail Examiner's Amendment			0
66	01/28/2010		MN/=.	Mail Notice of Allowance			0
65	01/22/2010		IREV	Issue Revision Completed			0
64	01/22/2010		DVER	Document Verification			0
63	01/22/2010		N/=.	Notice of Allowance Data Verification Completed			0
62	01/22/2010		DOCK	Case Docketed to Examiner in GAU			0
77	01/21/2010	12/29/2009	M844	Information Disclosure Statement (IDS) Filed		23	51
73	01/21/2010		IDSC	Information Disclosure Statement considered			0
71	01/21/2010		M844	Information Disclosure Statement (IDS) Filed			0
61	01/21/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
60	01/21/2010		EX.A	Examiner's Amendment Communication			0
59	01/21/2010		CNTA	Notice of Allowability			0
52	01/13/2010		FWDX	Date Forwarded to Examiner			0
58	12/29/2009		IDSC	Information Disclosure Statement considered			0
54	12/29/2009		RCAP	Reference capture on IDS			0
53	12/29/2009		M844	Information Disclosure Statement (IDS) Filed			0
51	12/29/2009		A...	Response after Non-Final Action			0
50	12/29/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
49	11/04/2009		ELC_RVW	Electronic Review			0
48	11/04/2009		EML_NTF	Email Notification			0
47	11/04/2009		MCTNF	Mail Non-Final Rejection			0
46	10/30/2009		CTNF	Non-Final Rejection			0
45	10/30/2009		EML_NTR	Email Notification			0
44	10/29/2009		PG-ISSUE	PG-Pub Issue Notification			0
39	10/21/2009		IDSC	Information Disclosure Statement considered			0
36	10/21/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
35	07/30/2009		DOCK	Case Docketed to Examiner in GAU			0
34	07/29/2009		OIPE	Application Dispatched from OIPE			0
33	07/21/2009		ELC_RVW	Electronic Review			0
32	07/20/2009		EML_NTR	Email Notification			0
31	07/20/2009		EML_NTR	Email Notification			0
30	07/20/2009		EML_NTF	Email Notification			0
28	07/20/2009		FLRCPT.O	Filing Receipt			0
27	07/20/2009		M903	Notice of DO/EO Acceptance Mailed			0
26	07/20/2009		MPEN	Mail Pre-Exam Notice			0
19	07/15/2009		W/OA	Pre-Exam Office Action Withdrawn			0

18	07/15/2009	EML_NTR	Email Notification	0
17	07/15/2009	EML_NTR	Email Notification	0
14	07/15/2009	FLRCPT.O	Filing Receipt	0
13	07/15/2009	M903	Notice of DO/EO Acceptance Mailed	0
15	07/14/2009	PGPC	Sent to Classification Contractor	0
12	06/19/2009	ADDFLFEE	Additional Application Filing Fees	0
10	06/02/2009	ELC_RVW	Electronic Review	0
9	06/02/2009	EML_NTF	Email Notification	0
8	06/02/2009	M905	Notice of DO/EO Missing Requirements Mailed	0
29	10/11/2008	371COMP	371 Completion Date	0

Export to: Excel

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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

MAILED

SEP 16 2010

OFFICE OF PETITIONS

Applicants: Naccari, et al.
Appl. No.: 11/989,054
International Filing Date: July 24, 2006
Title: IMPROVEMENTS TO ANALOGOUS COMPOUNDS OF 6-THIGUANOSINE TRIPHOSPHATE, THEIR USE IN MEDICAL FIELDS AND PROCESSES FOR THEIR PREPARATION
Attorney Docket: 4304.1001-000
Pub. No.: US 2009/0258837 A1
Pub. Date: October 15, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 16, 2009, for the above-identified application.

The request is granted.

The errors in the claims 19 and 20 are due to the quality and size of the text, which is small, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52(a)(1)(v), which states that all papers that are to become a permanent part of Office records must be presented "in a form having sufficient clarity and contrast between the paper and the writing to permit...electronic capture by use of digital imaging and optical character recognition". As set forth at MPEP 1121, "applications with poor quality text, which may acceptable for scanning and examination purposes, may lead to errors in the patent application publication.

Applicant is advised that he may want to file application papers that are clearer, as the errors are due to the quality of the text. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52 and PCT Rule 11.9(d).

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily

increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers, Marked up Relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

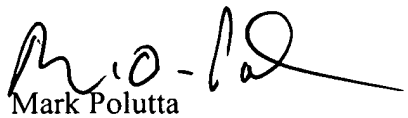
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication"

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1/05/2010

TO SPE OF : ART UNIT 1625

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/989,132 Patent No. 7,842,692

CofC mailroom date 12/15/10

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

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: Letter accepting petition to correct inventorship has been sent.

/Janet L. Andres/ — **SPE**

1625 — **Art Unit**

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

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

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

Application Information

Application Number	11/989,135	Confirmation Number	4392	Filing Date	05/20/2009
Attorney Docket Number (optional)	32894.00002.US00	Art Unit	1626	Examiner	Alicia L. Otton
First Named Inventor	Ying LI				
Title of Invention	WATER-SOLUBLE ARTEMISININ DERIVATIVES, THEIR PREPARATION METHODS, THE PHARMACEUTICAL COMPOSITIONS AND THE USE THEREOF				

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

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

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

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

Given Name	Middle Name	Family Name	Suffix
Ying		LI	

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

Select (1) or (2) :

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

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

Signature	/Feng Shan/	Date (YYYY-MM-DD)	2011-08-12
Name	Feng shan	Registration Number	57372

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

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

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In re Application of
Ying Li

Application No. 11989135

Filed: May 20,2009

Attorney Docket No. 32894.00002.US00

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

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 12-AUG-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

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

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

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

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JAN 18 2012

PCT LEGAL ADMINISTRATION

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

In re Application of :
FRANZ et al :
Application No.: 11/989,178 : DECISION ON PETITION
Int. Filing Date: July 13, 2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 2005P06097WOUS :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 19, 2011, to accept an unintentionally delayed claim under 35 U.S.C. 120 and 365(c) for the benefit of priority to the prior-filed nonprovisional application set forth in the proposed amendment filed concurrently with the instant petition.

Under 37 CFR 1.78(a)(3), a petition to accept an unintentionally delayed claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed application must be accompanied by:

(i) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2) to the prior-filed application, unless previously submitted;

(ii) the surcharge set forth in 37 CFR 1.17(t); and

(iii) 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.

With regard to item (i), the proposed amendment to add a reference to the prior-filed application to the specification is not acceptable as drafted because it improperly includes a statement incorporating prior applications by reference. See Dart Indus. v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). As set forth in MPEP 201.06(c), Section IV, an incorporation by reference statement added after an application's filing date is impermissible because no new matter can be added to an application after its filing date (see 35 U.S.C. 132(a)). Before the petition under 37 CFR 1.78(a)(3) can be granted, the improper incorporation by reference statement must be removed.

With regard to item (ii), the surcharge set forth in 37 CFR 1.17(t) has been submitted.

With regard to item (iii), the petition contains a proper statement of unintentional delay.

For the reasons above, the petition under 37 CFR 1.78(a)(3) is **DISMISSED** without prejudice.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration
571-272-3303

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

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PCT LEGAL ADMINISTRATION

In re Application of :
FRANZ et al :
Application No.: 11/989,178 : DECISION ON PETITION
Int. Filing Date: July 13, 2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 2005P06097WOUS :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed January 27, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 120 and 365(c) for the benefit of priority to the prior-filed nonprovisional application set forth in the proposed amendment filed concurrently with the instant petition.

Under 37 CFR 1.78(a)(3), a petition to accept an unintentionally delayed claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed application must be accompanied by:

(i) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2) to the prior-filed application, unless previously submitted;

(ii) the surcharge set forth in 37 CFR 1.17(t); and

(iii) 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.

Applicant previously satisfied items (ii) and (iii) above.

With regard to item (i), a reference to the prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title as provided by 37 CFR 1.78(a)(2)(iii).

For the reasons above, the renewed petition under 37 CFR 1.78(a)(3) is **GRANTED**.

Applicant is advised that the granting of a petition under 37 CFR 1.78(a)(3) or the inclusion of a prior-filed application on any Filing Receipt should not be construed as meaning that the

application is necessarily entitled to the benefit of the prior-filed application. In order for an 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 must be met. The examiner will determine whether this application is entitled to the benefit of an earlier filing date.

This matter is being referred to Technology Center Art Unit 2128 for appropriate action, including consideration by the examiner of applicant's entitlement to the benefit of priority under 35 U.S.C. 120 and 365(c) to the prior-filed nonprovisional application.

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration
571-272-3303

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/21/11

TO SPE OF : ART UNIT 1625

SUBJECT : Request for Certificate of Correction for Appl. No.: 11989414 Patent No.: 7893268

CofC mailroom date: 03/15/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

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

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

_____

_____

/Janet L. Andres/ **1625**
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Patent No : 7,789,735 B2
Ser. No. : 11/989,442
Inventor(s) : Josef Weiland
Issued : September 7, 2010

Re: Request for Certificate of Correction

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

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid,* including after issuance of the patent.

In view of the foregoing, your request 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 issue to correct the remaining errors noted in your rquest.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-3422 or 703- 756 -1580

Brent Kenady
Wells St. John P.S.
601 West First Avenue, Suite 1300
Spokane, WA 99201-3828

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Wells St. John P.S.
601 West First Avenue
Suite 1300
Spokane WA 99201-3828

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NOV 17 2011

OFFICE OF PETITIONS

In re Patent No. 7,789,735 :
Issue Date: September 7, 2010 :
Application No. 11/989,442 : DECISION ON PETITION
Filed: March 25, 2008 :
Attorney Docket No. LO41-001 :

This is a decision on the Petition Pursuant To 37 CFR §1.17(i) and 37 CFR §3.81(b), filed September 22, 2011, to identify the correct assignee's name. A completed Certificate of Correction Form (PTO/SB/44) was previously submitted.

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

Petitioner urges that the present Petition was submitted to correct the assignee's name on the previously submitted PTOL 85B and such error was identified incorrectly. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of Certificate of Correction, to correct the assignee's name identified thereon from:

"Lissmac Maschinenbau und Diamantwerkzeuge GmbH"

to:

--LISSMAC Maschinenbau GmbH--

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in §3.11 before issuance of the patent, and must include a request for a certificate of correction under §1.323 of this chapter (accompanied by the fee set forth in §1.20(a) and the processing fee set forth in §1.17(i) of this chapter.

The requisite $100.00 fee (Fee Code 1811), as set forth under 37 CFR §1.20(a), and the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR §1.17(i), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR §3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form (PTO/SB/44) previously submitted.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,789,735.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LADAS & PARRY LLP
1040 AVENUE OF THE AMERICAS
NEW YORK NY 10018-3738

MAILED
AUG 19 2011
OFFICE OF PETITIONS

In re Application of	:	
SATO	:	
Application No. 11/989,458	:	ON PETITION
Filed: August 14, 2009	:	
Attorney Docket No. U01718-8	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 8, 2011 and the Supplement filed July 21, 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 9, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). A three (3) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is June 10, 2011.

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

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

This application is being referred to Technology Center AU 1782 for processing of the RCE and 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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MAILED

OCT 08 2010

PCT LEGAL ADMINISTRATION

LAW OFFICES OF KHALILIAN SIRA, LLC
9100 PERSIMMON TREE ROAD
POTOMAC, MD 20854

In re Application of MANIAR et al	:	
U.S. Application No.: 11/989,468	:	
PCT Application No.: PCT/US2006/029109	:	
Int. Filing Date: 28 July 2006	:	DECISION
Priority Date Claimed: 29 July 2005	:	
Attorney Docket No.: 21300-412	:	
For: FORMULATION OF RADIOPROTECTIVE α, β UNSATURATED ARYL SULFONES	:	

This is in response to applicant's correspondence filed 13 August 2010, which is being treated as a renewed request for status under 37 CFR 1.42.

BACKGROUND

On 28 July 2006, applicant filed international application PCT/US2006/029109, which claimed priority of an earlier United States application filed 29 July 2005. The thirty-month period for paying the basic national fee in the United States expired on 29 January 2008.

On 25 January 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 13 July 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 and a sequence listing in compliance with 37 CFR 1.821 must be filed.

On 01 September 2009, applicant filed a request for status under 37 CFR 1.42 along with an executed declaration.

On 12 November 2009, this Office mailed a decision dismissing the 01 September 2009 request for status.

On 08 December 2009, applicant filed a renewed request for status under 37 CFR 1.42 along with an executed declaration.

On 14 May 2010, this Office mailed a decision dismissing the 08 December 2009 request for status.

On 23 June 2010, applicant filed a second renewed request for status under 37 CFR 1.42.

On 30 July 2010, this Office mailed a decision dismissing the 23 June 2010 request for status.

On 13 August 2010, applicant filed the instant third renewed request for status under 37 CFR 1.42.

DISCUSSION

The declaration indicates that inventor Stanley Bell is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 13 August 2010 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the third renewed request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 28 July 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 13 August 2010.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Paper No.

KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS MN 55415-1002

MAILED
APR 04 2011
OFFICE OF PETITIONS

In re Application of :
Hennessy et al. :
Application No. 11/989,495 : ON APPLICATION FOR
Filed: 01/25/2008 : PATENT TERM ADJUSTMENT
Atty Docket No. :
H550.12-0060 :

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(b)," filed on February 15, 2011. Applicants request that the patent term adjustment be increased from 194 days to at least 562 days.

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

On February 8, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 194 days. This application for patent term adjustment was timely filed with or prior to payment of the issue fee.[1]

Applicants assert that the period of Office delay pursuant to 37 CFR 1.702(a)(1) should be 562, based on the non-final Office action mailed on October 8, 2010, being mailed fourteen months and 562 days after January 25, 2008.

Applicants are incorrect. 37 CFR 1.703(a)(1) states that the period of adjustment for Office delay is the number of days, if any, in the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first. The fourteen month period under §

[1] PALM records indicate that the issue fee was also paid on February 15, 2011.

1.703(a)(1) is calculated from the date of the fulfillment of requirements of 35 U.S.C. 371.

A review of the record reveals that the application fulfilled the requirements of 35 U.S.C. 371 on January 28, 2009, not January 25, 2008, as asserted by applicants. Accordingly, the period of adjustment for Office delay is the period beginning on March 29, 2010, the day after the date fourteen months from the date of fulfillment of requirements under 35 U.S.C. 371, and ending on October 8, 2010, the date of the mailing of the first Office action, or 194 days.

Accordingly, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED**.

In view thereof, no adjustment will be made to the determination of patent term adjustment at the time of the mailing of the notice of allowance.

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

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Paper No.

KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS MN 55415-1002

MAILED
JUN 29 2011
OFFICE OF PETITIONS

In re Application of	:	
Hennessy et al.	:	
Patent No. 7,938,240	:	ON APPLICATION FOR
Issue Date: 05/10/2011	:	PATENT TERM ADJUSTMENT
Application Number: 11/989,495	:	
Filing Date: 01/25/2008	:	
Attorney Docket Number:	:	
H550.12-0060	:	

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)" filed on May 27, 2011. Patentees request that the patent term adjustment be increased from 295 days to 667 days. For the reasons stated below, the petition is treated as a petition requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by six hundred fifty-nine (659) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by six hundred fifty-nine (659) days is **GRANTED to the extent indicated herein**

On May 10, 2011, the subject application issued as U.S. Patent No. 7,938,240, with a patent term adjustment of 295 days. On May 27, 2011, the subject request for reconsideration was timely filed.

Patentees again assert entitlement to a period of adjustment of 562 days pursuant to 37 CFR 1.702(a)(1) for the period from 14 months from the completion date of the requirements of 35 USC 371 to the date the first Office action was mailed. Patentees assert that the application completed the requirements of 35 USC 371 on January 25, 2008.

Patentees further assert that the period of three years delay under 37 CFR 1.702(b) is 105 days, based on a filing date of January 25, 2008.

The "B" delay period is 101 days, not 105 days as asserted by patentee. 37 CFR 1.702(b) states that the period of adjustment under 35 U.S.C. 154(b) is the period beginning three years after the date on which an 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. This application commenced the national stage under 35 U.S.C. 371(b) on January 29, 2008. On May 10, 2011, the application issued as a patent, three years and 101 days after the day after the application commenced the national stage under 35 U.S.C. 371(b).

Further, 37 CFR 1.703(a)(1) states that the period of adjustment for Office delay is the number of days, if any, in the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first. The fourteen month period under § 1.703(a)(1) is calculated from the date of the fulfillment of the requirements of 35 U.S.C. 371.

The priority date in this application is July 29, 2005. Applicants did not file an express request under 35 U.S.C. 371(f). Accordingly, the date which is 30 months from the priority date is January 29, 2008. Additionally, as applicants completed all 35 U.S.C. 371 requirements on filing the national stage prior to commencement, the completion date is also shifted to January 29, 2008.

Accordingly, the period of adjustment under 37 CFR 1.702(a)(1) is the period beginning on March 30, 2009, the day after the date fourteen months after the date of completion of all requirements under 35 U.S.C. 371. An office action was mailed on October 6, 2010, fourteen months and 558 days after the date after the date after the application completed the requirements of 35 U.S.C. 371. The period of adjustment under 37 CFR 1.702(a)(1) is therefore 558 days rather than 194 days as indicated in the Office PAIR record. The 194 day period of

adjustment for Office delay will be removed and a 558 day period will be entered.

The patent term adjustment at the time of issuance of the patent is 659 days (558 days of Office delay + 101 days of three years delay - 0 overlapping days - 0 days of applicant delay).

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

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

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

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by six hundred fifty-nine **(659)** days.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,938,240 B2

DATED : **May 10, 2011** **DRAFT**

INVENTOR(S) : Hennessy 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 295 days.

Delete the phrase "by 295 days" and insert – by 659 days--

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AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE
NEW YORK NY 10016

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Patent No. 7,954,250
Issued: June 7, 2011
Application No.: 11/989,558
Filed: January 28, 2008
Attorney Docket No: **29248/36**

NOTICE

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

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

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

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) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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WOODCOCK WASHBURN LLP
Cira Centre, 12th Floor
2929 Arch Street
Philadelphia, PA 19104-2891

MAILED

NOV 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Vanessa Sutton	:	
Application No. 11/989,669	:	DECISION ON PETITION
Filed: January 25, 2008	:	TO WITHDRAW
Attorney Docket No. PWMC-0005	:	FROM RECORD
	:	

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

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Barry E. Kaplan 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 Vanessa Sutton at the address indicated below.

There is an outstanding Office action mailed May 12, 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: **Ms. Vanessa Sutton**
c/o PWMC
116 Joseph E. Lowery Blvd.
Atlanta, GA 30314

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
11/989,669	01/25/2008	Vanessa Sutton	PWMC-0005

CONFIRMATION NO. 6996

30184
Woodcock Washburn LLP
Cira Centre, 12th Floor
2929 Arch Street
Philadelphia, PA 19104-2891

POWER OF ATTORNEY NOTICE

OC000000044280383

Date Mailed: 10/29/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/08/2010.

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

/tsjohnson/

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

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PO BOX 747
FALLS CHURCH, VA 22040-0747

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NOV 0 4 2010

OFFICE OF PETITIONS

In re Application of :
Koji YUDATE, et *al.* :
Application No. 11/989,743 : DECISION GRANTING PETITION
Filed: January 30, 2008 : UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. **1163-0652PUS1** :

This is a decision on the petition, filed November 2, 2010, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests that the above-identified application be withdrawn from issue for express abandonment. *See* 37 CFR 1.313(c)(3).

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

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

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

28 SEP 2010

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THE NATH LAW GROUP
112 South West Street
Alexandria VA 22314

In re Application of	:	
PAK et al	:	DECISION ON
Application No.: 11/989,751	:	
Int. Application: PCT/IL2006/000874	:	
Int. Filing Date: 27 July 2006	:	REQUEST UNDER
Priority Date: 04 August 2005	:	
Attorney's Docket No.: 29095U	:	
For: MULTI-FUNCTIONAL ARMOR	:	
SYSTEM	:	37 CFR 1.497(d)

This is a decision on applicants' "PETITION UNDER 37 CFR 1.48(a) FOR CORRECTION OF INVENTORSHIP," filed on 11 February 2011, which is being treated as a request under 37 CFR 1.497(d) to add joint inventor Yoav HIRSCHBERG in the executed declaration.

BACKGROUND

On 21 July 2006, applicants filed international application No. PCT/IL2006/000874, which claims a priority date of 04 August 2005.

On 31 January 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee, and an executed declaration.

On 11 February 2009, applicants filed a "Request Under 37 CFR 1.497(d)," which included, *inter alia*, another executed declaration and a request to add co-inventor Yoav HIRSCHBERG, who was not originally listed in the PCT application, as an co-inventor in the above-identified patent application.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(2) the fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) - (2) under 37 CFR 1.497(d) but not item (3).

With respect to item (1), the statement submitted by Yoav HIRSCHBERG is sufficient because the statement states that the error in inventorship occurred without a deceptive intent.

With respect to item (2), the processing fee of $130.00 has been paid.

With respect to item (3), PLASAN SASA LTD., the assignee, consents to the correction of inventorship to the above application. However, to establish the right of the Assignee to take action, applicant must submit a copy of the executed assignment or specify the reel and frame number. Note MPEP 324 and 37 CFR 3.73(b).

Accordingly, the request does not meet the requirements under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 272-0459

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THE NATH LAW GROUP
112 South West Street
Alexandria VA 22314

MAILED

DEC 03 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	
PAK et al	:	DECISION ON
Application No.: 11/989,751	:	
Int. Application: PCT/IL2006/000874	:	
Int. Filing Date: 27 July 2006	:	REQUEST UNDER
Priority Date: 04 August 2005	:	
Attorney's Docket No.: 29095U	:	
For: MULTI-FUNCTIONAL ARMOR	:	
SYSTEM	:	37 CFR 1.497(d)

This is a decision on applicants' "RENEWED REQUEST UNDER 37 CFR 1.497(d)" filed on 29 September 2010.

BACKGROUND

In a decision from this Office mailed on 28 September 2010, the decision indicated that the request was dismissed because the request did not satisfy item (3) of 37 CFR 1.497(d).

On 29 September 2010, applicants filed the current renewed request.

DISCUSSION

A review of the renewed request reveals that applicant has satisfied item (3) of 37 CFR 1.497(d) as the assignee, PLASAN SASA LTD., consents to correction of inventorship to the above application and it has filed the requisite papers establishing its right to take action under 37 CFR §3.73(b) as a copy of the executed assignment has been provided, and as been recorded at Reel No. 020476/ Frame No. 0418.

Accordingly, applicants are deemed to satisfy the items under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05/9/11

TO SPE OF : ART UNIT 2857

SUBJECT : Request for Certificate of Correction for Appl. No 11/989,755 7877215B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)

Should the change(s) Be made?

RoChaun Johnson
Certificates of Correction Branch
571 272-0470

Thank You For Your Assistance

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

Note your decision on the appropriate box.

☑ Approved — All changes apply.

☐ Approved in Part — Specify below which changes do not apply.

☐ Denied — State the reasons for denial below.

Comments: _____

/Eliseo Ramos-Feliciano/
SPE, AU 2857

SPE

2857
Art Unit

PTOL-386 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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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MAILED

DEC 17 2010

PCT LEGAL ADMINISTRATION

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

In re Application of	:	
TICHY et al.	:	
Application No.: 11/989,883	:	DECISION under
PCT No.: PCT/EP06/66723	:	
Int. Filing Date: 26 September 2006	:	37 CFR 1.182
Priority Date: 02 November 2005	:	
Attorney Docket No.:	:	
For: METHOD AND APPARATUS FOR DETERMINING A ROLL ANGLE FOR OCCUPANT PROTECTION APPARATUSES	:	

This is a decision applicant's "PETITION UNDER 37 CFR 1.182 TO CORRECT INVENTOR'S NAME" filed on 19 October 2010 in the United States Patent and Trademark Office (USPTO).

To correct the inventor's name, a petition under 37 CFR 1.182 is required. *See* MPEP §605.04(c). A review of the application file reveals that the given name of the applicant as listed on the published international application is "MARC-ANDRE GOLOMBECK". The declaration, filed on 09 July 2010, was signed by "MARC-ANDRE TICHY". Applicant now submits a petition under 37 CFR 1.182 including a copy of the court order indicating that the name changed due to marriage. Applicant also paid the requisite petition fee.

For the above reasons, the petition under 37 CFR 1.182 to change the respective inventor's name to MARC-ANDRE TICHY is **GRANTED**. The declaration, submitted on 09 July 2010, meets the requirements of 37 CFR 1.497(a) and (b) and is acceptable.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 09 July 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571)272-3286
Facsimile: (571)273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/989,902	11/22/2010	Giovanni Leo	4043.05WOUS	9042

24113 7590 07/27/2011

PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

EXAMINER	
ART UNIT	PAPER NUMBER
3737	

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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PATTERSON THUENTE CHRISTENSEN
PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

DECISION ON PETITION
UNDER 37 CFR 1.59

In re Application of:
LEO, GIOVANNI et al
Serial No. 11/989,902
Filed : Nov. 22, 2010
Docket: 4043.05WOUS
Title: MEDICAL APPARATUS SYSTEM HAVING OPTICAL FIBER LOAD SENSING CAPABILITY

This is a decision on the petition and request under 37 CFR 1.59(b), filed Dec. 16, 2010 to expunge information from the above identified application. The petition fee of $200.00 set forth in 37 CFR 1.17(g) has been charged to Deposit Account #16-0631 in accordance with a telephone conversation with the applicant's attorney Mr. Stuart J. Olstad on July 18, 2011. The incorrect amount of the petition fee of $130.00 under 37 CFR 1.17(h) charged on Dec. 16, 2010 has been credited back to the credit card account.

In the petition, the petitioner states that the Information Disclosure Statement filed on Nov. 11, 2010 under EFS ID No. 3362188 (total 218 pages) was filed inadvertently or unintentionally. The IDS papers bear a wrong serial number 12/127,657. Petitioner requests removal of the inadvertently filed IDS.

The petition is **granted**.

The USPTO does not remove any papers filed in an application. However, since the applicant has unintentionally filed the wrong documents on November 11, 2010, the documents have been blocked from public view in the Public Pair system.

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/989,927	07/23/2008	Andreas Michels	H 06819 PCT/US (13744-53)	5959

45847 7590 11/23/2011

CONNOLLY BOVE LODGE & HUTZ LLP
PO BOX 2207
WILMINGTON, DE 19899-2207

EXAMINER	
RAMIREZ, DELIA M	

ART UNIT	PAPER NUMBER
1652	

MAIL DATE	DELIVERY MODE
11/23/2011	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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NOV 23 2011

Mark E. Freeman
CONNOLLY BOVE LODGE & HUTZ LLP
PO BOX 2207
WILMINGTON DE 19899-2207

In re Application of	:	
Michels et al	:	
Serial No.: 11/989,927	:	Decision on Petition
Filed : 23 July 2008	:	
Attorney Docket No.: 13744-00053-US	:	

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 18 November 2011 requesting reconsideration of the lack of unity requirement mailed 18 March 2011.

BACKGROUND

This application was filed as a national stage of a PCT application and as such is entitled to consideration under PCT unity of invention rules.

On 18 March 2011, the examiner set forth a lack of unity requirement which divided claims 63-81 into product and processes and then subdivided the product and processes each further into 20 groups limited to individual sequences. Claim 63 and 74 were identified as linking claims.

On 18 April 2011, applicants elected Group I, claims 63-73 and SEQ ID NO 1, with traverse.

On 7 July 2011, the examiner mailed a non-final Office action in which the traversal was considered. SEQ ID NOs 2, 5 and 6 were determined to all comprise SEQ ID NO 1. SEQ ID NO 1 and 2 were identified as identical. The examiner determined that SEQ ID NOs 11, and 15-18 were highly homologous to SEQ ID No 1 (99%) and that SEQ ID NOs 1 and 14 were 98% identical. The examiner then withdrew the restriction requirement between Group 1-5 and 8-12 (corresponding to SEQ ID Nos 1, 2, 5, 6, 11 and 14-18). The remainder of the lack of unity determination was maintained, and made final. Claims 74-81 were withdrawn from examination. Claims 63-73 were examined on the merits. Claims 63-74 were objected to as being directed in part to non-elected inventions. Rejections were set forth under 35 U.S.C. 112, 102 and 103. The examiner stated that an agent limited to the polypeptide of SEQ ID NOs 1, 2,

5 or 6 would appear to be allowable. The examiner pointed out that SEQ ID NO 1 and 2 are identical and SEQ ID NO 5 and 6 are identical.

On 18 November 2011, applicants filed this petition.

DISCUSSION

The file history and petition have been considered carefully.

Relevant claims are set forth below:

63. (currently amended): [[An]] A fiber finishing agent ~~for finishing fibers~~ comprising an esterase, wherein the agent prevents or reduces pilling of the fibers or of a fabric into which the fibers are woven.

64. (currently amended): The agent of claim 63, wherein the fiber finishing is selected from the group consisting of treatment of textile raw materials and [[for]] textile care.

65. (currently amended): The agent of claim 63, wherein ~~at least one~~ the esterase is a para-nitrobenzyl esterase.

66. (currently amended): The agent of claim 65, wherein the para-nitrobenzyl esterase comprises an amino acid sequence that is at least 50% identical to at least one of SEQ ID [[NOs.]] NOs: 1, 2, 5–6 or 11–26.

74. (currently amended): A process for the treatment of ~~textiles or textile raw materials, wherein an esterase is active in at least one process step~~ a textile or a textile raw material comprising reducing pilling of a fabric by treating the textile or textile raw material with an esterase.

The petition requests reconsideration of the unity of invention determination between product claims and the process claims. This request is not persuasive.

On 7 July 2011, the examiner maintained the lack of unity determination between the product (Groups 1-20) and the process of using the product which was placed in Groups 21-40. The Office action contains an outstanding prior art rejection on the product claims.

PCT Rule 13.2 permits restriction in this situation if the prior art anticipates or renders obvious that shared technical feature. This is consistent with Example 1 of the International Search and Examination Guidelines published in 2004.

> Claim 1: A method of manufacturing chemical substance X.
> Claim 2: Substance X.
> Claim 3: The (method of) use of substance X as an insecticide.

> Unity exists between claims 1, 2 and 3. The special technical feature common to all the claims is substance X. However, if substance X is known in the art, unity would be lacking because there would not be a special technical feature common to all the claims.

For this reason, in view of the outstanding prior art rejection, the lack of unity determination between the product and the process inventions is warranted.

Next, it is noted that the examiner originally created twenty groupings out of alternative limitations in dependent Markush claim 66, for example. The petition argues that the sequences should have been designated as species rather than groups and the restriction resulted in loss of claim scope to potentially patentably subject matter. These arguments are persuasive and consistent with the 9 February 2011 Federal Register Notice entitled "Supplemental Examination Guidelines for Determining Compliance with 35 U.S.C. 112 and for treatment of Related Issues in Patent Applications." Page 7166 sets forth guidelines for the treatment of Markush-type claims:

> "Under principles of compact prosecution, the examiner should also require the applicant to elect a species or group of indistinct species for search and examination (i.e., an election of species). If the examiner does not find the species or group of indistinct species in the prior art, then the examiner should extend the search to those additional species that fall within the scope of a permissible Markush claim. In other words, the examiner should extend the search to the species that share a single structural similarity and a common use. The improper Markush claim should be examined for patentability over the prior art with respect to the elected species or group of indistinct species, as well as the species that share a single structural similarity and a common use with the elected species or group of indistinct species (i.e., the species that would fall within the scope of a proper Markush claim)."

In view of these new guidelines, the restriction requirement between the embodiments of the Markush claims (Groups 1-20 and Groups 21-40) is unwarranted and is hereby replaced with a provisional election of species requirement.

Last, the petition argues that they cannot limit the dependent claims as required without forfeiture of claim subject matter present in Claims 63-65 and 74-75. The requirement that applicants to re-write claim directed solely to the elected subject matter is counter to MPEP 803.02 and 821.03. Applicants have a right to retain non-elected embodiments recited in the alternative of a single claim.

DECISION

For these reasons, the petition filed under 37 CFR 1.144 on 18 November 2011 is **GRANTED-IN-PART as** follows.

The lack of unity determination set forth on 2 April 2010 has been withdrawn and re-formatted as:

Group I, Claims 64-73, drawn to an agent for treating fibers comprising an esterase.
Group II, claims 74-81, drawn to a process for treating a textile or textile raw material with an esterase.

The restriction to a single sequence within each group has been re-formatted as an election of species requirements. The sequences 1, 2, 5, 6, 11 and 14-18 will continue to be examined together as the elected group of species.

The objection to the claims for reciting non-elected subject matter is withdrawn.

The lack of unity determination between Group I, the product, and Group II, the process of using the product of Group, is maintained, there being prior art of record teaching the product. Should all claims to the product become free of the prior art, the unity of invention requirement should be reconsidered according to ISPE Guidelines Paragraph 20.09.

Applicants remain under obligation to respond in a timely manner to the Office action mailed 7 July 2011.

Upon filing of a response, the application will be forwarded to the examiner to consider the papers and to prepare an Office action consistent with this petition decision. Markush claims are to be examined according to MPEP 803.02 and the Federal Register Notice.

Any request for reconsideration of this decision must be filed within two (2) months of this decision under 37 CFR 1.181.

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.

George L. Elliott

George Elliott
Director, Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/989,934	02/04/2008	Takao Yokoyama	2008_0172A	9548

513 7590 03/07/2011
WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

EXAMINER
KERSHTEYN, IGOR

ART UNIT	PAPER NUMBER
3745	

NOTIFICATION DATE	DELIVERY MODE
03/07/2011	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com
eoa@wenderoth.com

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WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

In re Application of	:	
YOKOYAMA, TAKAO et al	:	DECISION ON REQUEST TO
Application No. 11/989,934	:	PARTICIPATE IN PATENT
Filed: Feb. 4, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 2008/0172A	:	PROGRAM AND PETITION
For: MIXED FLOW TURBINE OR RADIAL	:	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 March. 2, 2011, to make the above-identified application special.

The request and petition are granted.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT 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/PCT 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.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Edward Look, SPE of Art Unit 3745, and 571-272-4820 for Class 416/185 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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MODIANO & ASSOCIATI
VIA MERAVIGLI, 16
MILAN 20123 IT ITALY

MAILED

APR 20 2011

OFFICE OF PETITIONS

In re Application of :
Carlo Corniani :
Application No. 11/989,961 : DECISION ON PETITION
Filed: February 4, 2008 :
Attorney Docket No. 45201/AJ/Ip :

This is a decision on the petition, filed March 11, 2011, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of August 23, 2010, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before November 23, 2010.

Petitioner states that a timely reply was mailed via certificate of mailing on February 23, 2011, which included the following papers: an amendment with a three (3) month extension of time. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated February 23, 2011, which would have rendered the reply timely if received. The original reply is in the file.

The petition satisfies the requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of November 23, 2010 is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642. All other 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 3721for appropriate action in the normal course of business on the reply received with petition.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111114

DATE : November 10, 2011

TO SPE OF : ART UNIT 1622

SUBJECT : Request for Certificate of Correction on Patent No.: 7,799,932

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:

/ANDREW D KOSAR/
Supervisory Patent Examiner.Art Unit 1622

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MERCK
P O BOX 2000
RAHWAY NJ 07065-0907

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DEC 09 2010

OFFICE OF PETITIONS

In re Application of :
Chen, et al. :
Application No. 11/990,050 : ON APPLICATION FOR
Filed: February 1, 2008 : PATENT TERM ADJUSTMENT
Atty Docket No. **21963YP** :

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM PURSUANT TO C.F.R. § 1.705(b)" filed December 1, 2010. Applicants request that the determination of patent term adjustment be corrected from five hundred and forty-two (542) days to six hundred and sixteen (616) days. Applicants request this correction, in part, on the basis that the Office will take in excess of three years to issue this patent and in light of the recent court decision in Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008).

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

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

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

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

Relative to applicants' argument that the period of adjustment for Office delay under 37 CFR 1.702(a)(1) and 37 CFR 1.703(a)(1) is 546 days, rather that 542 days, the petition is **DISMISSED**.

Applicant did not use the completion date of February 12, 2008, in calculating the period of adjustment under 37 CFR 1.703(a)(1). As stated in 37 CFR 1.703(a)(1), the period of adjustment under § 1.702(a) is the number of days in the period beginning on the day after the date that is fourteen months

---

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

after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements under 35 U.S.C. 371 and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first. It is noted that the requirements of 35. U.S.C. 371 (c)(1), (c)(2), and (c)(4) were received on February 1, 2008, however the application could not have been said to have fulfilled, or completed, all of the 35 U.S.C. 371 requirements until February 12, 2008. More specifically, where a request for early processing is not made pursuant to 35 U.S.C. 371(f), the date of completion of all 35 U.S.C. 371 requirements cannot be before the expiration of thirty months from the earliest priority date. See 37 U.S.C. 371(f). It is noted that applicants did not request early processing for this application pursuant to 35 U.S.C. 371(f). The earliest priority date for this application is August 12, 2005, and the date that is thirty months therefrom is February 12, 2008. Accordingly, February 12, 2008, is the date the application fulfilled all of the requirements under 35 U.S.C. 371 and is the date that should be used to calculate the examination delay under 37 CFR 1.703(a)(1).

Pursuant to 37 CFR 1.703(a)(1), the period of adjustment under 37 CFR 1.702(a) is 542 days, counting the number of days beginning on the day after the date that is fourteen months after the date on which the application fulfilled the requirements under 35 U.S.C. 371, April 13, 2009, and ending on the date of mailing of the Notice of Allowance and Issue Fee Due, October 6, 2010. Accordingly, the period of adjustment of 542 days remains unchanged.

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

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

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 the 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) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Senior Petitions Attorney
Office of Petitions

30 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

In Re Application of	:	
BRADBURY (deceased) et al.	:	
Application No.: 11/990,083	:	DECISION
PCT No.: PCT/GB06/02845	:	
Int. Filing Date: 31 July 2006	:	
Priority Date: 08 August 2005	:	
Attorney Docket No.:066079-5158	:	
For: PROCESS FOR PRINTING AN IMAGE, COMPOSITION AND COMPOUND	:	

This is a decision on applicant's submission filed in the United States Patent and Trademark Office on 06 August 2010.

BACKGROUND

On 31 July 2006, applicant filed international application No. PCT/GB06/02845 which claimed a priority date of 08 August 2005 and which designated the United States.

Thereafter, on 06 February 2008, before the expiration of the thirty month period, applicant filed, *inter alia*, for entry into the national stage along with the basic national fee and three executed declarations. The declaration indicated that inventor Roy Bradbury was deceased. On 28 June 2010, a decision dismissing the request for status under 37 CFR 1.42 was mailed to applicant indicating that the declaration was unacceptable under 37 CFR 1.497(a) and (b).

DISCUSSION

To meet the requirements for compliance with 37 CFR 1.497(a) and (b), the declaration must state the relationship and the country of citizenship for all inventors, including the deceased inventor and his legal representative. In addition, the declaration must provide the residency and mailing address for all inventors, including the deceased inventor and the legal representative.

The declaration submitted on 06 August 2010 identifies Lynn Patricia Bradbury the legal representative of the deceased inventor Roy Bradbury and states the relationship, country of citizenship, residency and mailing address for the legal representative. The declaration meets the

requirements for compliance with 37 CFR 1.497(a) and (b). Accordingly, it is appropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED.**

The declaration by the legal representative for deceased inventor submitted on 06 August 2010 is accepted as a proper declaration under 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 06 August 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: 571-272-3286
Facsimile: 571-273-0459

MAILED

OCT 14 2010

UNITED STATES PATENT and TRADEMARK OFFICE

PCT LEGAL ADMINISTRATION

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

GOWLING, LAFLEUR HENDERSON LLP
ONE MAIN STREET WEST
HAMILTON ON L8P 4Z5 CA CANADA

In re Application of :
MELIC, Jonny Jonathan :
Application No.: 11/990,091 :
PCT No.: PCT/CA2006/001309 :
Int. Filing Date: 9 August 2006 :
Priority Date: 10 August 2006 : DECISION
Attorney Docket No.: H311145PCTUS :
For: LOCKING AND ... SUPPORT POST :

This is in response to applicant's submission "RENEWED PETITION UNDER 37 CFR 1.182" filed on 12 August 2010. This submission states that the correct legal name of the sole inventor is Jonathan Jonny Melic. The petition fee of $400.00 has been charged to Deposit Account No.: 50-1613.

BACKGROUND

In a decision from this Office on 19 July 2010, the decision indicated that the application could not enter into national stage at that time because petitioner provided the correct name of inventor, but the petition fee had not been paid.

On 12 August 2010, this renewed petition was filed and states that the correct name of the sole inventor is Jonathan Jonny Melic and the petition fee has been paid.

DISCUSSION

The correct name of the sole inventor "Jonathan Jonny Melic" as explained in the petition and this name will be reflected in the US national stage processing. This is the name that has been used in the executed Declaration.

For the reasons above, the application may enter into national stage processing at this time.

CONCLUSION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-6376
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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THE NATH LAW GROUP
112 SOUTH WEST STREET
ALEXANDRIA VA 22314

MAILED
JAN 05 2012
OFFICE OF PETITIONS

In re
Andres, et al.
Application No. 11/990,118
Filed: February 7, 2008
Patent No. 8,038,460
Issued: October 18, 2011
Attorney Docket No. 28932U

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed December 9, 2011.

The fee deficiency submission under 37 CFR 1.28 of $3550 is hereby accepted.

The change of status to large entity has been entered.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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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Robert D. Shedd, Patent Operations
THOMSON Licensing, LLC
P.O. Box 5312
Princeton, NJ 08543-5312

MAILED

SEP 29 2011

OFFICE OF PETITIONS

In re Application of :
John Robert Naylor, et. al. :
Application No. 11/990,152 : ON PETITION
Filed: February 7, 2008 :
Attorney Docket No. PU050181 :

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

The application became abandoned for failure to file a reply to the final Office action mailed on February 1, 2011. A Notice of Abandonment was mailed on September 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) along with the $810 fee and required submission under 37 CFR 1.114; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 2173 for processing of the RCE request filed on September 23, 2011.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Patent No. : **7901489**
Ser. No. **11/990180**
Inventor(s) : **JIN, LIESHUI**
Issued : **03/08/2011**
Title : **ELECTROSTATIC PRECIPITATOR WITH HIGH EFFICIENCY**
Docket No. : **081680-0015**

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

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

OL

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

MAILED

SEP 07 2011

OFFICE OF PETITIONS

In re Application of	:	
Jin et al.	:	
Application No. 11/990180	:	DECISION
Filing or 371(c) Date: 05/08/2008	:	ON PETITION
Patent No.: 7901489	:	
Issue Date: 03/08/2011	:	
Attorney Docket No.: 081680-0015	:	

This is a decision on the correspondence entitled "Petition to Correct Assignee Under 37 CFR 3.81(b)," filed August 25, 2011, to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The Petition is **granted**.

The petition was accompanied by a certificate of correction as required by 3.81(b), and the fee submitted with the present petition. Further, Office assignment records reflect that JIN, LIESHUI, is the assignee of record. As the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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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MEREK, BLACKMON & VOORHEES, LLC
673 S. WASHINGTON ST
ALEXANDRIA, VA 22314

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of :
Kieu Hoang :
Application No. 11/990,203 :DECISION ON PETITION
Filed: July 15, 2008 :TO MAKE SPECIAL UNDER
Attorney Docket No. RAA.001 US : 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 9, 2011, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the attorney of record the inventor is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

This application file is being referred to Technology Center 1600 for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the processing of the application should be addressed to Technology Center 1600 at (571) 272-1600.

Andrea Smith
Petitions Examiner
Office of Petitions

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

PTO/SB/425 (03-11)

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 1 of 2)

Nonprovisional Application Number or Control Number (if applicable):	Patent Number (if applicable):
11/990,309	
First Named Inventor:	**Title of Invention:**
Tadahiro OHMI	PLASMA PROCESSING APPARATUS

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

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:

   a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.

   b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding.

   c. The statutory or non-statutory time period set for response has not yet expired.

   d. Withdrawal and reissuance of the Office communication is requested.

   e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.

   f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:

   a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.

   b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.

   d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):

   a. The maintenance fee payment was required to have been paid after March 10, 2011.

   b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).

   c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.

   e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).

   f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. *See* 35 U.S.C 41(c).

   g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:

   a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.

   b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.

   d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature	Date March 31, 2011
Name (Print/Typed) George C. Beck	Practitioner Registration Number 38,072

Note: *Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of _____ forms are submitted.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

APR 05 2011

OFFICE OF PETITIONS

In re Application of :
Ohmi et al. :
Application No. 11/990,309 : DECISION ON PETITION
Filed: February 11, 2008 :
Attorney Docket No. 039262-0190 :

This is a decision on the request filed March 31, 2011, seeking relief under the provisions of an announcement by the Under Secretary and Director of the United States Patent and Trademark Office on March 17, 2011, http://www.uspto.gov/patents/announce/japan_relief_2011mar17.pdf, providing relief to inventors and patent owners in areas affected by the earthquake and resulting tsunami of March 11, 2011.

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on January 18, 2011. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Technology Center, Art Unit 1716 for re-mailing the Office action of January 18, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/990,386	02/13/2008	Hagai Karchi	42694	5753

7590 02/11/2011

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

EXAMINER	
KUMAR, VINOD	

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
02/11/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

February 11, 2011

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

In re Application of	:	
Hagai Karchi et al.	:	**DECISION ON PETITION**
Application No. 11990386	:	
Filed: 2/13/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 42694	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 13, 2008.

The petition is **GRANTED**.

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

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

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

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

/Don Fairchild/
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of :
Karchi, et al. :
Application No. 11/990,386 :
Filed: February 13, 2008 :
Attorney Docket No. 42694 :

NOTICE

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

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Bib Data Sheet

CONFIRMATION NO. 5753

SERIAL NUMBER	FILING OR 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
11/990,386	02/13/2008 RULE	800	1638	42694

APPLICANTS

Hagai Karchi, Doar-Na Emek Soreq, ISRAEL;
Gil Ronen, Emek Hefer, ISRAEL;
Rodrigo Yelin, Zur-Yigal, ISRAEL;
Larisa Rabinovich, Rishon-LeZion, ISRAEL;

**** CONTINUING DATA ***************************

This application is a 371 of PCT/IL2006/000947 08/15/2006
which claims benefit of 60/707,957 08/15/2005

**** FOREIGN APPLICATIONS *********************

IF REQUIRED, FOREIGN FILING LICENSE GRANTED
** 12/18/2008

		STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
Foreign Priority claimed	☐ yes ☐ no	ISRAEL	2	24	6
35 USC 119 (a-d) conditions met	☐ yes ☐ no ☐ Met after Allowance				
Verified and Acknowledged	Examiner's Signature Initials				

ADDRESS
67801

TITLE
METHODS OF INCREASING ABIOTIC STRESS TOLERANCE AND/OR BIOMASS IN PLANTS AND PLANTS GENERATED THEREBY

FILING FEE RECEIVED		
2402	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/990,497	02/15/2008	Takahiro Ikunami	1163-0653PUS1	7567

2292 7590 03/15/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
BANKS HAROLD, MARSHA DENISE	

ART UNIT	PAPER NUMBER
2482	

NOTIFICATION DATE	DELIVERY MODE
03/15/2011	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of: IKUNAMI, TAKAHIRO
Application No. 11/990,497
Filed: February 15, 2008
For: DISPLAY OPENING AND CLOSING ANGLE DETECTING MECHANISM

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

MAILED

MAR 15 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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 January 3, 2011, to make the above-identified application special.

The petition is **GRANTED.**

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

(1) The U.S. application is
(a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

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

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the Japanese application(s);
b. An English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and
c. A statement that the English translation is accurate;

(3) Applicant must:
a. Ensure that all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claim correspondence table in English;

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

(5) Applicant must submit:
a. A copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the Japanese application(s) containing the allowable/patentable claim(s);
b. An English language translation of the JPO office action(s) (if the office action(s) are not in the English language); 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 filed in this application); and
b. Copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

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

Telephone inquiries concerning this decision should be directed to Mehrdad Dastouri at 571-272-7418

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.

/Mehrdad Dastouri/

Mehrdad Dastouri
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROBERT A. MUHA
REED SMITH, LLP
PO BOX 488
PITTSBURGH, PA 15230

MAILED
JUN 06 2011
OFFICE OF PETITIONS

In re Application of	:	
Klassen et al.	:	DECISION ON PETITION
Application No. 11/990,548	:	TO WITHDRAW
Filed: February 27, 2008	:	FROM RECORD
Attorney Docket No. STR-1025/500638.20047	:	

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 13, 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 Robert A. Muha 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 Robert A. Muha not having power of attorney. See MPEP §§ 601.03 and 405.

Further, a review of USPTO records reveals that the power of attorney for the above-identified application was appointed without a Customer Number according to the Oath/Declaration submitted February 27, 2008.

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

Currently, there is an outstanding Office action mailed February 28, 2011 that requires a reply.

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK NY 10022-7650

UNITED STATES PATENT AND TRADEMARK OFFICE

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HUSCH BLACKWELL SANDERS, LLP
HUSCH BLACKWELL SANDERS LLP WELSH & KATZ
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

MAILED
MAR 24 2011
OFFICE OF PETITIONS

Applicant: Sandler et al.
Appl. No.: 11/990,720
International Filing Date: Spetember 27, 2006
Title: SECURITY DEVICE AND BUILDING BLOCK FUNCTIONS
Attorney Docket: 7251/102954
Pub. No.: US 2010/0153717 A1
Pub. Date: June 17, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on June 28, 2010, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAR 3 0 2011

PCT LEGAL ADMINISTRATION

RON GALANT
POLSINELLI SHUGHART PC
161 N. CLARK STREET
SUITE 4200
CHICAGO, IL 60601

In re Application of	:	
AMBERG, Wilhelm et al.	:	
US Application No.: 11/990,731	:	PETITION
PCT Application No.: PCT/EP2006/008223	:	
Int. Filing Date: 21 August 2006	:	UNDER
Priority Date: 21 August 2005	:	
Atty Docket No.: ABB10010P02151US	:	37 CFR 1.137(b) &
For: 5-RING HERTOAROMATIC COMPOUNDS	:	
AND THEIR USE AS BINDING PARTNERS FOR	:	37 CFR 1.42
5-HI5 RECEPTORS	:	

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 15 June 2010, which is also being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 16 November 2007, applicants filed international application No. PCT/EP2006/008223 and claimed a priority date of 21 August 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 01 March 2007. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 21 February 2008.

On 20 February 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed declaration was submitted at such time.

On 08 January 2009, the DO/EO/US mailed "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905), which indicated that an executed oath or declaration in compliance with 37 CFR 1.66 or 37 CFR 1.68 must be filed.

On 09 March 2009, applicants filed a combined declaration and power of attorney signed by all joint inventors. However, the declaration contains non-initialed alterations for inventors Amberg, Netz, Kling, Ochse and Wernet.

On 23 September 2009, the DO/EO/US mailed "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916), requiring an oath or declaration in compliance with 37 CFR 1.497(a) or (b). It states that the current oath was non-compliant because the oath or declaration contains alterations without being properly initialed.

On 23 October 2009, applicants filed declarations signed by inventors Amberg, Netz, Kling and Ochse. The legal representative, Mr. Alfred Hahn, signed on behalf of inventor Wernet, now deceased.

On 03 November 2009, the DO/EO/US mailed a second "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916), which indicated that where individual declarations are executed, the oath or declaration must be submitted with consecutive page numbering.

On 03 December 2009, applicants filed a compiled oath which identified the citizenship of the deceased inventor.

On 16 March 2010, this office mailed a "Notification" to indicate that the application was abandoned due to applicant's failure to respond with a proper declaration.

On 15 June 2010, applicant filed the present petition under 37 CFR 1.137(b) and request for status under 37 CFR 1.42.

DISCUSSION

1. Petition Under 37 CFR 1.137(b)

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment 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 was unintentional" and (4) any terminal disclaimer if the application was filed before 08 June 1995.

Regarding item (1), applicants have provided the required executed declaration under 35 U.S.C. 371.

Regarding item (2), applicants have provided the required petition fee.

Regarding item (3), the petition includes the statement that the entire delay was unintentional.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

2. Request for Status under 37 CFR 1.42

The declaration filed on 15 June 2010 indicates that Wolfgang Wernet is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed on 15 June 2010 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons set forth in §1 detailed above, applicants' petition under 37 CFR 1.137(b) is **GRANTED**.

For the reasons set forth in §2 above, the request for status under 37 CFR 1.42 is **GRANTED**.

This application has an International Filing Date under 35 U.S.C. 363 of 21 August 2006 and a date under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) of 15 June 2010.

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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

PTO/SB/425 (03-11)

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 1 of 2)

Nonprovisional Application Number or Control Number (if applicable):	Patent Number (if applicable):
11/990,751	
First Named Inventor:	**Title of Invention:**
Tadahiro OHMI	LIQUID CRYSTAL DISPLAY AND LIGHT GUIDE PLATE

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

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:

   a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.

   b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding.

   c. The statutory or non-statutory time period set for response has not yet expired.

   d. Withdrawal and reissuance of the Office communication is requested.

   e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.

   f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:

   a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.

   b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.

   d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):

   a. The maintenance fee payment was required to have been paid after March 10, 2011.

   b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).

   c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.

   e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).

   f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. *See* 35 U.S.C 41(c).

   g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:

   a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.

   b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.

   d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature	Date March 31, 2011
Name (Print/Typed) George C. Beck	Practitioner Registration Number 38,072

***Note**: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of _____ forms are submitted.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

APR 05 2011

OFFICE OF PETITIONS

In re Application of :
Ohmi et al. :
Application No. 11/990,751 : DECISION ON PETITION
Filed: February 21, 2008 :
Attorney Docket No. 039262-0191 :

This is a decision on the request filed March 31, 2011, seeking relief under the provisions of an announcement by the Under Secretary and Director of the United States Patent and Trademark Office on March 17, 2011, http://www.uspto.gov/patents/announce/japan_relief_2011mar17.pdf, providing relief to inventors and patent owners in areas affected by the earthquake and resulting tsunami of March 11, 2011.

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on March 1, 2011. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Technology Center, Art Unit 2874 for re-mailing the Office action of March 1, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GALLAGHER & KENNEDY, P. A.
2575 E. CAMELBACK RD. #1100
PHOENIX AZ 85016

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Application of :
Phillip D. Roux :
Application No. 11/990,862 : DECISION ON PETITION
Filed: April 17, 2009 : TO WITHDRAW
Attorney Docket No. 17523.0014 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed August 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 Andrea Stone on behalf of all attorneys/agents associated with customer number 28529. All attorney/agents have been withdrawn.

The correspondence address will remain the same until further notified by applicant.

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: Phillip D. Roux
8204 West Foothill Drive
Peoria, AZ 85016

UNITED STATES PATENT AND TRADEMARK 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
11/990,862	04/17/2009	Phillip D. Roux	17523-0014

CONFIRMATION NO. 1707

28529
GALLAGHER & KENNEDY, P. A.
2575 E. CAMELBACK RD. #1100
PHOENIX, AZ 85016

POWER OF ATTORNEY NOTICE

OC000000043770779

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

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Kubovcik & Kubovcik
Suite 1105
1215 South Clark Street
Arlington, VA 22202

MAILED
NOV 05 2010
PCT LEGAL ADMINISTRATION

In re Application of
AKASHI et al.
Application No.: 11/990,902
PCT No.: PCT/JP2006/317288
Int. Filing Date: 25 August 2006
Priority Date: 25 August 2005
Atty. Docket No.: TAM-077
For: BIODEGRADABLE NANOPARTICLE HAVING T-CELL RECOGNIZABLE EPITOPE PEPTIDE IMMOBILIZED THEREON OR ENCAPSULATED THEREIN

DECISION ON PETITION
UNDER 37 CFR 1.181

This decision is issued in response to applicant's "Request for Corrected Filing Receipt" filed on 26 April 2010, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 22 February 2008, applicant filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *among others*, the requisite basic national fee; an English translation of the international application; a preliminary amendment; and an executed declaration of inventorship.

On 10 March 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903) which set forth the date of receipt 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 22 February 2008 and a 35 U.S.C. 371 completion date of 22 February 2008.

On 26 April 2010, applicant filed "Request for Corrected Filing Receipt."

DISCUSSION

Applicant states that the basic national fee, a copy of the international application, a translation of the international application, and an executed declaration were received at the United States Patent and Trademark Office on 25 February 2008. A review of the present application reveals that the basic national fee, a copy of the international application, a translation of the international application, and an executed declaration filed 25 February is located therein. Additionally, the best evidence of what was actually received by the Office is a postcard receipt containing a specific itemization of all the items being submitted. (See Manual of Patent Examining Procedure §503.) Here, applicant has provided a copy of their date-stamped filing receipt. The receipt itemizes, *among others*, the basic national fee, a copy of the international application, a translation of the international application, and an executed declaration. The receipt is stamped "IAP07 Rec'd PCT 25 FEB 2008" across its face and is sufficient to indicate that the above items were received in the Office on 25 February 20008. Thus, the application met the requirements of 35 U.S.C. 371(c) and thus entered the national stage in the United States on 25 February 2008. Therefore, applicant's request to correct the Filing Receipt and Notice of Acceptance is granted.

CONCLUSION

Applicant's request under 37 CFR 1.181 for issuance of a corrected Notification of Acceptance and Official Filing Receipt is **GRANTED**.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) mailed on 10 March 2009 is hereby **VACATED**.

The application has an international filing date of 25 August 2006 under 35 U.S.C. 363 and a date of 25 February 2008 under 35 U.S.C. 371(c).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) which identifies a date of 25 February 2008 under 35 U.S.C. 371(c) and preparation and mailing of a corrected Filing Receipt in accordance with this decision, that is a filing receipt that identifies a filing date of 25 February 2008.

Thereafter, this application will be referred to its appropriate Art Unit.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/990,962	03/13/2008	Stuart Lloyd James	36290-0538-00-US	2478

23973 7590 10/17/2011

DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE, SUITE 2000
PHILADELPHIA, PA 19103-6996

EXAMINER	
AULAKH, CHARANJIT	
ART UNIT	**PAPER NUMBER**
1625	

NOTIFICATION DATE	DELIVERY MODE
10/17/2011	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):

DBRIPDocket@dbr.com
penelope.mongelluzzo@dbr.com

United States Patent and Trademark Office

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

OCT 17 2011

Brian K. Lathrop, Ph. D.
DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE, SUITE 2000
PHILADELPHIA PA 19103-6996

In re Application of	:
JAMES et al	:Decision on Petition
Serial No.: 11/990,962	:
Filed : 13 March 2008	:
Attorney Docket No.: 36290-0538-00-US	:

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 8 September 2011 requesting reconsideration of the restriction requirement mailed 19 April 2011.

BACKGROUND

This application was filed as a national stage application in compliance with 35 U.S.C. 371 and as such is entitled to consideration under PCT unity of Invention practice.

On 19 April 2011, the examiner set forth a restriction requirement which divided claims 1-20 into two groups:

> Group I. claim(s) 7 and in part 1-6 and 9-20, drawn to A process for preparing copper isonicotinate.
>
> Group II. claim(s) 8 and in part 1-6 and 9-20, drawn to A process for preparing copper benzene-1,3,5, tricarboxylate.

On 13 May 2011, applicants elected, with traverse, Group II, claims 8 and claims 1-6 and 9-20.

On 13 June 2011, the examiner mailed to applicants a non-final Office action in which the traversal was considered, and the requirement was made final. Claim 7 was withdrawn from consideration under 37 CFR 1.142(b) as being directed to non-elected subject matter. Claims 1-6 and 9-19 were rejected under 35 U.S.C. 112, 2nd paragraph for indefiniteness. Claims 15 and 20 were rejected under 35 U.S.C. 102(b) as being anticipated by Chui et al. Claim 8 was indicate as being allowable if re-written in independent form including all the limitations of the

vase claim and any intervening claims. Claims 1-6 and 9-20 were objected to for containing non-elected subject matter.

On 8 September 2011, applicants filed this petition.

DISCUSSION

The file history and petition have been considered carefully.

The petition raises concerns about the restriction between Group I and Group II. Dependent claims 7 and 8 are set forth below.

> 7. (currently amended) A process as claimed in ~~any one of the preceding claims~~ Claim 1 for the preparation of copper isonicotinate [Cu (INA)$_2$], wherein the first reactant is copper acetate, and the second reactant is isonicotinic acid.
>
> 8. (currently amended) A process as claimed in ~~any one of the preceding claims~~ Claim 1 for the preparation of copper benzene–1,3,5, tricarboxylate, wherein the first reactant is copper nitrate, and the second reactant is trimesic acid.

The petition is correct in that restriction requirement improperly created groupings out of the dependent claims 7 and 8. This sort of grouping is improper because the sum of the scope of Groups I and II is less than the scope of the originally filed independent claim 1.

> 1. (currently amended) A process for the preparation of a multi-dimensional microporous metal-organic compound comprising the steps of:
>
> providing a first reactant which includes at least one metal in ionic form,
> providing a second reactant which includes a bridging organic ligand, and
> grinding the first and second reactants together, wholly or substantially in the absence of solvent.

Next, it is noted that the examiner has objected to Claims 1-6 and 9-20 for containing non-elected subject matter. This is improper. Applicants are entitled to retain claims that encompass both elected and non-elected subject matter.

DECISION

For these reasons, the petition filed under 37 CFR 1.144 on 8 September 2011 is **GRANTED**.

The restriction requirement made between Groups I-II has been withdrawn.

The objection to Claims 1-6 and 9-20 for containing non-elected subject matter is withdrawn.

The Office action mailed 13 June 2011 is withdrawn as incomplete. Applicants are no longer obligation to respond to the Office action mailed 13 June 2011.

The application will be forwarded to the examiner's amended docket to prepare an Office action on claims 1-20 consistent with this petition decision.

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

Remy Yucel
Director, Technology Center 1600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : August 23, 2011

TO SPE OF : ART UNIT 2624

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/991129 Patent No.:7957609

CofC mailroom date: 08/18/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: Should the changes be made?

RoChaun Hardwick
Certificates of Correction Branch
571 272-0470

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

_____

_____

_____ _____
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.
11/991,139	02/28/2008	Tatsuya Tsurukawa	2565-0320PUS1	4871

7590 09/23/2010

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

EXAMINER	
BARRON JR, GILBERTO	

ART UNIT	PAPER NUMBER
2432	

NOTIFICATION DATE	DELIVERY MODE
09/23/2010	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

- 9 SEP 2010

United States Patent and Trademark Office

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P.O. Box 1450
Alexandria, VA 22313-1450
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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

In re Application of :
Lederer :
Application No.: 11/991,206 :
PCT No.: PCT/EP2006/064020 :
Int. Filing Date: 07 July 2006 : DECISION
Priority Date: 31 August 2005 :
Attorney Docket No.: 2005P15169WOUS :
For: Method And System For Transmitting :
An Address Into An Electronic Form :
For A Participant Of A Data Link :

This is in response to the papers filed on 28 February 2008.

BACKGROUND

International application PCT/EP2006/064020 was filed on 07 July 2006, claimed an earlier priority date of 31 August 2005, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 08 March 2007. The period for payment of the basic national fee in the United States expired as of midnight on 29 February 2008. Applicants filed *inter alia* a basic national fee in 11/991,206 on 28 February 2008.

DISCUSSION

Review of the instant application file reveals that the Transmittal Letter filed on 28 February 2008 was directed toward the national stage under 35 U.S.C. 371 of "PCT/EP2006/06520,"while the English translation is captioned as pertaining to "PCT/EP2006/064020." The accompanying preliminary amendment to the specification adds a cross-reference to PCT/EP2006/064020, and inspection of the published international application (PCT/EP2006/064020) reveals that its bibliographic data is similar to that for this application. In view of the discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was intended to enter the national stage under 35 U.S.C. 371.

DECISION

The papers filed on 28 February 2008 are **NOT ACCEPTED** under 35 U.S.C. 371, without prejudice, as described above.

A proper response (as described herein) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

United States Patent and Trademark Office

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United States Patent and Trademark Office
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MAILED

DEC 06 2010

PCT LEGAL ADMINISTRATION

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

In re Application of
Lederer
Application No.: 11/991,206
PCT No.: PCT/EP2006/064020
Int. Filing Date: 07 July 2006
Priority Date: 31 August 2005
Attorney Docket No.: 2005P15169WOUS
For: Method And System For Transmitting An Address Into An Electronic Form For A Participant Of A Data Link

DECISION

This is in response to the petition under 37 CFR 1.182 filed on 27 September 2010.

DISCUSSION

In a Decision mailed on 09 September 2010, applicant was advised that

> ...it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was intended to enter the national stage under 35 U.S.C. 371.

In response, applicant has filed such a petition. Petitioner indicates that PCT/EP2006/064020 was intended to enter the national phase in the United States via the submission filed on 28 February 2008, and that the different international application number shown on the transmittal letter represented "an unintentional error made without deceptive intent." Based on the totality of the evidence now of record, it would be appropriate to accept petitioner's statements, and to conclude that this application was intended as the national stage under 35 U.S.C. 371 of PCT/EP2006/064020.

DECISION

The petition is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for processing as the national stage under 35 U.S.C. 371 of PCT/EP2006/064020. Said processing will include the correction of the electronic records of the USPTO to reflect the correct national stage application parentage. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **28 February 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : January 3, 2012

In re Application of :

Satoshi Tanimoto

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11991249

Filed : 29-Feb-2008

Attorney Docket No : 050195-0576

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed January 3, 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 2814 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	11991249
Filing Date	29-Feb-2008
First Named Inventor	Satoshi Tanimoto
Art Unit	2814
Examiner Name	MARC ANTHONY ARMAND
Attorney Docket Number	050195-0576
Title	SILICON CARBIDE SEMICONDUCTOR DEVICE AND METHOD FOR PRODUCING 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	/Bernard P. Codd/
Name	Bernard P. Codd
Registration Number	46429

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Commissioner for Patents
United States Patent and Trademark Office
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KRATZ, QUINTOS & HANSON, LLP
1420 K Street, N.W.
4th Floor
WASHINGTON, DC 20005

MAILED
MAR 21 2011
OFFICE OF PETITIONS

In re Application of Uebo :
Application No. 11/991,384 : Decision on Petition
Filing Date: March 3, 2008 :
Attorney Docket No. 080036 :

This is a decision on the petition under 37 CFR 1.137(b) filed November 10, 2010, which is begin treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

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

Facts

The Office mailed a Notice of Allowance on July 15, 2010. The notice required the submission of $755 for the issue fee and $300 for the publication fee.

Petitioner filed an issue fee transmittal form (PTOL-85b) on October 7, 2010. The issue fee transmittal form stated the Office was authorized to charge the fees to a deposit account. Unfortunately, the form failed to include a deposit account number.

The Office mailed a Notice of Abandonment on October 28, 2010. The notice stated the Office had not received the issue fee or publication fee. The notice also included the following annotation: "no deposit account number."

The instant petition is accompanied by a petition fee of $810, the issue fee of $755, and the publication fee of $300.

Discussion

MPEP 1306 states,

> Where it is clear that an applicant actually intends to pay the issue fee and required publication fee, but the proper fee payment is not made, for example, an incorrect issue fee amount is supplied, or a PTOL-85B Fee(s) Transmittal form is filed without

payment of the issue fee, a general authorization to pay fees or a specific authorization to pay the issue fee, submitted prior to the mailing of a notice of allowance, will be allowed to act as payment of the correct issue fee. 37 CFR 1.311(b).

The facts in this case clearly indicate Petitioner intended to pay the issue fee and publication, but the issue fee transmittal form omitted the deposit account number. At least one paper previously filed in the case included a general authorization to pay fees to Deposit Account No. 01-2340. Therefore, the Office should have charged the fees to Deposit Account No. 01-2340.

In view of the prior discussion, the holding of abandonment is withdrawn.

The petition fee of $810 will be credited back to Deposit Account No. 01-2340.

The Office of Data Management, Patent Publications Branch, will be informed of the instant decision and the application will be issued as a patent in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FINNEGAN HENDERSON FARABOW GARRETT & DUNNER
LLP
901 NEW YORK AVENUE NW
WASHINGTON DC 20001-4413

MAILED

AUG 08 2011

OFFICE OF PETITIONS

In re :
Patent No. 7,951,314 : DECISION ON PETITION
Issued: May 31, 2011 :
Application No. 11/991,410 :
Filed: March 4, 2008 :

This is a decision on the petition under 37 CFR 1.182, filed July 21, 2011, for a duplicate Letters Patent.

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

The Publishing Division is directed to issue a duplicate Letters Patent.

Any questions concerning this decision may be directed to the undersigned at (571)272-3207. Any questions concerning issuance of the duplicate Letters Patent should be directed to Ollie Person at (703)756-1555.

A copy of this decision is being forwarded to the Publishing Division for issuance of a duplicate Letters patent.

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

Cliff Congo
Petitions Attorney
Office of Petitions

cc: Ollie Person, P/OPPD (FAX 571-270-9764)
Kimberly Terrell, P/OPPD (FAX 571-270-9958)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MAR 16 2011

OFFICE OF PETITIONS

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

In re Patent No. 7,816,387 :
Issue Date: October 19, 2010 :
Application No. 11/991,426 : DECISION ON PETITION
Filed: March 4, 2008 :
Attorney Docket No. 0020-5649PUS1 :

This is a decision on the Petition To Correct Assignee(s) on Patent, filed November 9, 2010, which is being treated as a Petition Under 37 CFR §3.81(b), to identify the correct assignee's name and residence. A completed Certificate of Correction Form (PTO/SB/44) was submitted with Petition.

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

Petitioner requests that the present Petition was submitted to correct the assignee's name and residence on the previously submitted PTOL 85B. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of Certificate of Correction, to correct the assignee's name identified thereon from:

"Dainippon Sumitomo Pharma Co., Ltd., Osaka-Shi, Osaka (JP)
Yoshiaki Kiso, Ibaraki-Shi, Osaka (JP)"

to just:

--Yoshiaki Kiso, Ibaraki-Shi, Osaka (JP)--

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The requisite $100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), and the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form PTO/SB/44 submitted with Petition.

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. 7,816,387.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

cc: BIRCH, STEWART, KOLASCH & BIRCH, LLP
12770 High Bluff Drive, Suite 260
San Diego, CA 92130

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

MAILED

AUG 15 2011

OFFICE OF PETITIONS

Paper No.

In re Application of :
Fronius et al. :
Application No. 11/991,484 : DECISION ON PETITION
Filed: March 4, 2008 : PURSUANT TO
Attorney Docket No. : 37 C.F.R. § 1.181(A)
5100.P0114US :
Title: TOOL HEAD WITH ADJUSTING :
MOTOR :

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on July 29, 2011.

BACKGROUND

The above-identified application became abandoned for failure to file a proper response to the Restriction Requirement, mailed December 1, 2010, which set a shortened statutory period to reply of one month. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 2, 2011. A Notice of abandonment was mailed on July 12, 2011.

ANALYSIS

With this petition, Petitioner has alleged that a response to the non-final Office action was filed on January 31, 2011.

The electronic file has been reviewed, and a copy of a response to the restriction requirement has been located in the same. The submission was received on February 4, 2011, and it is noted that the response contains a certificate of mailing that has been executed by Petitioner and is dated January 31, 2011. Moreover, Office records show that a request for an extension of time was received in the Office on February 4, 2011, and the

request for an extension of time contains a certificate of mailing that has been executed by Petitioner and is dated January 31, 2011.

Still further, Office records reflect the receipt of the fee that is associated with the filing of a request for a one-month extension of time on February 4, 2011.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a response was timely submitted.

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

CONCLUSION

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 election of species that was received on February 4, 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 withdrawal of the holding of abandonment 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.[1] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

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

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Mamoru OMORI et al.

Application No.: 11/991,567

Filed: April 4, 2008

Group Art Unit: 1783

Examiner: D. MILLER

Docket No.: 135755

For: HIGH-PERFORMANCE COMPOSITE MATERIAL AND MANUFACTURING METHOD THEREOF

REQUEST TO WITHDRAW AND RE-MAIL THE PENDING OFFICE ACTION

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

Sir:

Applicants hereby request that the pending Office Action in the above application be witdrawn and reissued, as the Applicants were affected by the events of March 11 in Japan.

Applicants submit the attached Certification and Request For Relief (Form PTO/SB/425).

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Jana Meier
Registration No. 66,070

JAO:JZM/sxl

Attachment:
Certification and Request for Relief

Date: March 25, 2011

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461

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

PTO/SB/425 (03-11)

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 1 of 2)

Nonprovisional Application Number or Control Number (if applicable):	Patent Number (if applicable):
11/991,567	
First Named Inventor:	**Title of Invention:**
Mamoru OMORI	High-Performance Composite Material and Manufacturing Method Thereof

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

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:

   a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.

   b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding.

   c. The statutory or non-statutory time period set for response has not yet expired.

   d. Withdrawal and reissuance of the Office communication is requested.

   e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.

   f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:

   a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.

   b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.

   d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):

   a. The maintenance fee payment was required to have been paid after March 10, 2011.

   b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).

   c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.

   e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).

   f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. *See* 35 U.S.C 41(c).

   g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:

   a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.

   b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.

   d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature	Date March 25, 2011
Name (Print/Typed) Jana Meier	Practitioner Registration Number 66,070

Note: *Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of 1 forms are submitted.

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED

APR 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Omori et al.	:	
Application No. 11/991,567	:	DECISION ON PETITION
Filed: April 4, 2008	:	
Attorney Docket No. 135755	:	

This is a decision on the request filed March 25, 2011, seeking relief under the provisions of an announcement by the Under Secretary and Director of the United States Patent and Trademark Office on March 17, 2011, http://www.uspto.gov/patents/announce/japan_relief_2011mar17.pdf, providing relief to inventors and patent owners in areas affected by the earthquake and resulting tsunami of March 11, 2011.

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on December 27, 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 1783 for re-mailing the Office action of December 27, 2010. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAY 06 2011

PCT LEGAL ADMINISTRATION

MORGAN LEWIS & BOCKIUS LLP (WA)
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

In re Application of	:	
JANG, et al.	:	
Application No.: 11/991,607	:	
PCT No.: PCT/KR2006/002954	:	DECISION ON PETITION
Int. Filing Date: 27 July 2006	:	
Priority Date: 09 August 2005	:	UNDER 37 CFR 1.497(d)
Attorney Docket No.: 064991-5022	:	
For: ERROR COMPENSATION METHOD FOR INSTRUMENT TRANSFORMER	:	

This decision is in response to applicant's petition under 37 CFR 1.497(d) filed 07 April 2011 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the $130.00 petition fee.

BACKGROUND

On 18 March 2008, applicant was mailed a decision granting applicant's petition under 37 CFR 1.137(b).

On 21 July 2009, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 11 August 2009, applicant responded with a signed, combined declaration and power of attorney.

On 07 March 2011, applicant was mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) advising applicant that the filed declaration was non-complaint as it was missing two of the named inventors on the international application. Applicant was afforded one month or the extendable time from due date of the Form PCT/DO/EO/905 to file a response.

On 07 April 2011, applicant filed the petition discussed herein.

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

(1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant satisfied all of the above items. As such, it is proper to grant applicant's request at this time.

CONCLUSION

For the reasons above, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

This application has an international application filing date of 27 July 2006 and will be given a date of **11 August 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

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P.O. Box 1450
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600 CONGRESS AVE.
SUITE 2400
AUSTIN TX 78701

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JUN 20 2011

OFFICE OF PETITIONS

In re Application of :
Peter C.R. Emtage et al. :
Application No. 11/991,753 : ON PETITION
Filed: August 11, 2008 :
Attorney Docket No: ARCA.P0051 US :

This is a decision on the petition filed June 14, 2011 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned February 25, 2011 for failure to timely reply to the non-Final Office Action mailed November 24, 2010 within the shortened statutory period of three months set for reply. Accordingly, a Notice of Abandonment was mailed June 3, 2011.

This matter is being referred to Technology Center 1649 for appropriate action on the amendment filed June 14, 2011.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional 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)).

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

PTO/SB/425 (03-11)

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 1 of 2)

Nonprovisional Application Number or Control Number (if applicable):	Patent Number (if applicable):
11/991,800	
First Named Inventor:	Title of Invention:
Tadahiro OHMI	RESIN MOLDING APPARATUS AND RESIN MOLDING PROCESS

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

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:

   a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.

   b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding.

   c. The statutory or non-statutory time period set for response has not yet expired.

   d. Withdrawal and reissuance of the Office communication is requested.

   e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.

   f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:

   a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.

   b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.

   d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):

   a. The maintenance fee payment was required to have been paid after March 10, 2011.

   b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).

   c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.

   e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).

   f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. *See* 35 U.S.C 41(c).

   g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:

   a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.

   b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.

   d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature	Date March 31, 2011
Name (Print/Typed) George C. Beck	Practitioner Registration Number 38,072

Note: *Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of _____ forms are submitted.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

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APR 05 2011

OFFICE OF PETITIONS

In re Application of :
Tadahiro Ohmi :
Application No. 11/991,800 : DECISION ON PETITION
Filed: March 11, 2008 :
Attorney Docket No. 039262-0195 :

This is a decision on the request filed March 31, 2011, seeking relief under the provisions of an announcement by the Under Secretary and Director of the United States Patent and Trademark Office on March 17, 2011, http://www.uspto.gov/patents/announce/japan_relief_2011mar17.pdf, providing relief to inventors and patent owners in areas affected by the earthquake and resulting tsunami of March 11, 2011.

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on March 7, 2011. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Technology Center, Art Unit 1743 for re-mailing the Office action of March 7, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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BASF Corporation
Patent Department
500 White Plains Road
P.O. Box 2005
Tarrytown NY 10591

MAILED

JUN 07 2011

PCT LEGAL ADMINISTRATION

In re Application of :
MADER et al. :
U.S. App. No. 11/991,812 : DECISION ON PETITION
PCT No.:PCT/EP2006/066045 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 06 September 2006 :
Priority Date: 16 September 2005 :
Attorney Docket: C000023376 :
For: POLYURETHANE FLAME :
RETARDANT COMPOSITIONS

The petition to revive under 37 CFR 1.137(b) filed 23 March 2011 in the above-captioned application is hereby GRANTED as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the required reply (declaration and power of attorney) and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FRANCIS LAW GROUP
1942 EMBARCADERO
OAKLAND, CA 94606

MAILED

JUL 21 2011

OFFICE OF PETITIONS

Applicant: Greeff, et al.
Appl. No.: 11/991,877
International Filing Date: September 8, 2006
Title: METAL ROOF TRUSS CONNECTOR ASSEMBLY
Attorney Docket: LP-02-042
Pub. No.: 2011/0016820 A1
Pub. Date: January 27, 2011

This is a decision on the requests for a corrected patent application publication under 37 CFR 1.221(b), received on October 12, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error wherein the publication contains the incorrectly serial number, foreign application priority data, abstract, specification, figures and claims.

37 CFR 1.221 (b) is applicable: "only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b). The instant application was published on January 27, 2011.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

§ 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

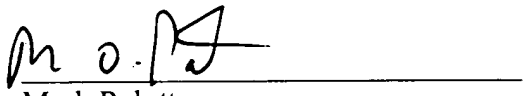
http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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MAILED

JUL 21 2011

OFFICE OF PETITIONS

Applicant: Ullmann, et al.
Appl. No.: 11/991,887
International Filing Date: September 13, 2006
Title: ELECTRONIC CJURCUIT AND METHOD FOR THE MANUFACTURE OF THE SAME
Attorney Docket No.: 411000-168
Pub. No.: US 2010/0214748 A1
Pub. Date: August 26, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 6, 2009, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

M O. P

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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STAAS & HALSEY LLP
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WASHINGTON, DC 20005

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AUG 09 2011

PCT LEGAL ADMINISTRATION

In re Application of HERZOG et al :
U.S. Application No.: 11/991,938 :
PCT Application No.: PCT/EP2006/066196 :
Int. Filing Date: 08 September 2006 :
Priority Date Claimed: 13 September 2005 : DECISION
Attorney Docket No.: 2080.1055 :
For: METHOD AND DEVICE FOR OPERATING :
A GROUP SERVICE IN A :
COMMUNICATIONS NETWORK :

This is in response to applicant's petition under 37 CFR 1.181 filed 23 May 2011.

BACKGROUND

On 08 September 2006, applicant filed international application PCT/EP2006/066196, which claimed priority of an earlier Germany application filed 13 September 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 22 March 2007. The thirty-month period for paying the basic national fee in the United States expired on 13 March 2008.

On 13 March 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 10 July 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 14 August 2009, applicant filed an executed declaration.

On 20 August 2009, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 14 August 2009 is defective.

On 11 May 2011, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909).

On 23 May 2011, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The Notification of Defective Response was sent in error.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Defective Response (Form PCT/DO/EO/916) mailed 20 August 2009 is hereby VACATED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 11 May 2011 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 08 September 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 14 August 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

DEC 28 2010

PCT LEGAL ADMINISTRATION

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

Christian Krause VIP apS
Noerre Soegade 37B 4 L 4
Copenhagen 1370
DENMARK

In re Application of :
KRAUSE, Christian :
Application No.: 11/991,950 :
PCT No.: PCT/DK2006/000511 :
Int. Filing Date: 15 September 2006 : DECISION
Priority Date: 19 September 2005 :
Attorney Docket No.: 02405.0289 :
For: COLOR CONTROL OF DYNAMIC LIGHTING :

This decision is in response to applicant's submission on 01 November 2010.

BACKGROUND

On 12 March 2009, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventor, the surcharge for late filing of the search fee, examination fee or oath or declaration and additional claim fees were required. The Notification set a two month period for reply, with extensions of time available under 37 CFR 1.136(a).

On 17 August 2010, applicant filed the response to the Notification of Missing Requirements including the outstanding claim fees, surcharge and declaration of the inventor.

On 02 September 2010, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating the application went abandoned as applicant did not respond to the 12 March 2009 Notification of Missing Requirements.

On 01 November 2010, applicant sent a letter indicating he did not want the application to be abandoned.

DISCUSSION

The application is abandoned for failure to timely respond to the Notification of Missing Requirements mailed 12 March 2009. Further, documents relating to this application should be signed by the inventor or a registered practitioner. There are multiple letters inquiring about status that are signed by someone who is not registered to practice before the Office and is not the inventor.

Applicant may wish to consider filing a petition to revive the application under 37 CFR 1.137. The form for a petition under 37 CFR 1.137(b) are included with this decision. The current petition fee for a large entity is $1620; for a small entity, it is $810. Applicant may wish to consider retaining the assistance of counsel.

CONCLUSION

This application is **ABANDONED**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

Enc: Petition Under 37 CFR 1.137(b) (PTO/SB/64/PCT) (3 pages)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAR 29 2011

PCT LEGAL ADMINISTRATION

Christian Krause VIP apS
Noerre Soegade 37B 4 L 4
Copenhagen 1370
DENMARK

In re Application of :
KRAUSE, Christian :
Application No.: 11/991,950 :
PCT No.: PCT/DK2006/000511 :
Int. Filing Date: 15 September 2006 : DECISION
Priority Date: 19 September 2005 :
Attorney Docket No.: 02405.0289 :
For: COLOR CONTROL OF DYNAMIC LIGHTING :

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 18 January 2011, 31 January 2011 and 02 February 2011 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The proper reply, namely the declaration and fees were previously furnished on 17 August 2010. The petition fee has now been furnished. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

Enc: Petition Under 37 CFR 1.137(b) (PTO/SB/64/PCT) (3 pages)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

July 15, 2011

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

In re Application of	:	
Hiroshi Shiku et al.	:	**DECISION ON PETITION**
Application No. 11991964	:	
Filed: 12/10/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 1422-0758PUS1	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) March 13, 2008.

The petition is **GRANTED**.

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

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

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

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

/Don Fairchild/
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/991,964	12/10/2008	Hiroshi Shiku	1422-0758PUS1	4110

7590 07/15/2011

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

EXAMINER	
BERTOGLIO, VALARIE E	

ART UNIT	PAPER NUMBER
1632	

NOTIFICATION DATE	DELIVERY MODE
07/15/2011	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

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

FORM PTOM327-5 (Rev. 02/08)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

56973
THE WATSON INTELLECTUAL PROPERTY GROUP, PLC
3133 Highland Drive
Suite 200
Hudsonville, MI 49426

MAILED

JAN 26 2011

PCT LEGAL ADMINISTRATION

In re Application of :
FREYERMUTH, Alain :
U.S. Application No.: 11/991,995 :
PCT No.: PCT/FR2006/050874 :
Int. Filing Date: 12 September 2006 :
Priority Date: 13 September 2005 :
Docket No.: CAB-081515 :
For: METHOD AND DEVICE FOR ADJUSTING THE FITTING DEPTH OF A TOOL IN A TOOL HOLDER :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 23 November 2010 is hereby **GRANTED** as follows:

The surcharge fee and the petition fee have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

MAILED
DEC 08 2011
OFFICE OF PETITIONS

In re Application of :
MAIER et al. :
Application No. 11/992,018 : DECISION ON PETITION
Filed: 03/14/2008 :
Attorney Docket No. BOEHMERP-0069 :

This is a decision on the petition under 37 CFR 1.182 filed October 28, 2011.

Applicants request that the Office withdraw the previously filed terminal disclaimer submitted on May 12, 2011.

As the examiner has concurred, the requested relief can be favorably considered. Accordingly, the petition is **granted**. The terminal disclaimer, filed May 12, 2011, is hereby withdrawn.

The Office acknowledges the payment of the $400.00 petition fee.

This matter is being referred to Technology Center Art Unit 1626 for correction of PALM and the file records consistent with this decision.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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

PTO/SB/425 (03-11)

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 1 of 2)

Nonprovisional Application Number or Control Number (if applicable):	Patent Number (if applicable):
11/992,046	
First Named Inventor:	Title of Invention:
Tadahiro OHMI	APPARATUS FOR PRODUCING ELECTRONIC DEVICE SUCH AS DISPLAY DEVICE, METHOD OF PRODUCING ELECTRONIC DEVICE

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

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:

   a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.

   b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding.

   c. The statutory or non-statutory time period set for response has not yet expired.

   d. Withdrawal and reissuance of the Office communication is requested.

   e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.

   f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:

   a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.

   b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.

   d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):

   a. The maintenance fee payment was required to have been paid after March 10, 2011.

   b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).

   c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.

   e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).

   f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. *See* 35 U.S.C 41(c).

   g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:

   a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.

   b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.

   d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature	Date March 30, 2011
Name (Print/Typed) George C. Beck	Practitioner Registration Number 38,072

Note: *Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of _____ forms are submitted.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

APR 05 2011

OFFICE OF PETITIONS

In re Application of	:	
Ohmi et al.	:	
Application No. 11/992,046	:	DECISION ON PETITION
Filed: April 25, 2008	:	
Attorney Docket No. 039262-0199	:	

This is a decision on the request filed March 30, 2011, seeking relief under the provisions of an announcement by the Under Secretary and Director of the United States Patent and Trademark Office on March 17, 2011, http://www.uspto.gov/patents/announce/japan_relief_2011mar17.pdf, providing relief to inventors and patent owners in areas affected by the earthquake and resulting tsunami of March 11, 2011.

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on December 8, 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 2871 for re-mailing the Office action of December 8, 2010. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

W Michael Dixon
Deere & Company
Patent Department
One John Deere Place
Moline IL 61265

MAILED

OCT 08 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Tarasinski	:	
Application No.: 11/992,081	:	
PCT No.: PCT/EP2006/065725	:	
Int. Filing Date: 28 August 2006	:	PETITION
Priority Date: 15 September 2005	:	
Attorney's Docket No.: 09529W-US	:	
For: DRIVE SYSTEM FOR...	:	
UTILITY VEHICLE	:	UNDER 37 CFR 1.182

This decision is in response to the "RENEWED PETITION UNDER CFR 1.182" filed on 26 June 2010, to accept entry of the above identified application into the national stage with the corrected PCT number of PCT/EP2006/065725. Petitioner has submitted the petition fee of $400.00.

BACKGROUND

In a decision from this Office on 02 November 2007, the petition filed on 13 May 2006 was dismissed.

On 26 July 2010, petitioner filed the current petition.

DISCUSSION

Petitioner states that the incorrect PCT number was entered as PCT/US2006/065,725 rather than the correct number PCT/EP2006/065725.

Although applicants entered the incorrect PCT serial number at the time of filing the national stage application, the correct PCT number PCT/EP2006/065725 was placed on top of the specification and a copy of the cover page of the international publication of PCT/EP2006/065725 was provided. Accordingly, there is sufficient evidence that the correct international application PCT number is PCT/EP2006/065725.

Therefore, petition to accept the correct PCT number of PCT/EP2006/065725 for the instant application is granted, and will be reflected in the filing receipt.

DECISION

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

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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

Electronic Petition Request	**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**
Application Number	11992112
Filing Date	15-Mar-2008
First Named Inventor	Gordon Bierwagen
Attorney Docket Number	047.00112 (RFT-140)
Title	Coatings and Coating Systems for Metal Substrates

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional

Petition Fee

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

2. Reply and/or fee

- ○ I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on
- ◉ Amendment and response are attached

RCE request,submission, and fee.

- ○ I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on
- ○ RCE Request, Submission, and Fee are attached

Notice of Appeal

○	I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on
○	Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

☒	STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

Signature	/Jeffrey A. Lindeman/
Name	Jeffrey A. Lindeman
Registration Number	34658

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date February 13, 2012

In re Application of Gordon Bierwagen

Application No. 11992112

Filed: 15-Mar-2008

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. 047.00112 (RFT-140)

This is an electronic decision on the petition under 37 CFR 1.137(b), February 13, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

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

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

This application file is being directed to the Technology Center.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

MAR 29 2011

OFFICE OF PETITIONS

In re Application of :
Peter GRONSKI et al. :
Application No. 11/992,194 :
Filed: June 9, 2008 :
Attorney Docket No 06478.1518 :

ON PETITION

This is in response to the petition, filed November 1, 2010, under 37 CFR 1.59(b) to expunge information submitted under MPEP 724.05(II).

The petition is **DISMISSED.**

The petition filed November 1, 2010 requests that the Request for Continued Examination transmittal, along with an Application, Declaration/Power of Attorney, Preliminary Amendment and an Information Disclosure Statement filed November 1, 2010, be expunged from the record.

A petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that:

(A) the Office can effect such return prior to the issuance of any patent on the application in issue;
(B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
(C) the information has not otherwise been made public;
(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
(E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and
(F) the petition fee as set forth in 37 CFR 1.17(g) is included.

The instant petition fails to comply with items (B), (C), (D), and (E) above.

For the reasons given above, the petition under 37 CFR 1.59 to expunge the Request for Continued Examination transmittal, along with an Application, Declaration/Power of Attorney, Preliminary Amendment and an Information Disclosure Statement, is dismissed.

Moreover, it is noted that no Request for continued Examination transmittal has been received in the instant application; however, a request for filing a continuing application under 37 CFR 1.53(b) was received.

Telephone inquiries regarding this decision should be directed to David Bucci at (571) 272-7099.

The application file is being referred to Technology Center AU 1647 for further processing

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/992,224	03/19/2008	Grace Mann	EX07-001C-US	4851

63572 7590 02/29/2012

MCDONNELL BOEHNEN HULBERT @ BERGHOFF LLP
300 SOUTH WACKER DRIVE
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CHICAGO, IL 60606

EXAMINER	
SACKEY, EBENEZER O	
ART UNIT	PAPER NUMBER
1624	

MAIL DATE	DELIVERY MODE
02/29/2012	PAPER

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

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

United States Patent and Trademark Office

Commissioner for Patents
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FEB 2 9 2012

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In re Application of	:
Mann	:Decision on Petition
Serial No.: 11/992,224	:
Filed : 19 March 2008	:
Attorney Docket No.: 05-1063-WO-US	:

This letter is in response to the Petition under 37 C.F.R. 1.181 filed on 27 January 2012 to withdraw finality of the Office action mailed 29 November 2011.

BACKGROUND

This application, including 61 claims, was filed as a national stage application in compliance with 35 U.S.C. 371 and as such is entitled to re-consideration under PCT Unity of Invention rules.

On 1 February 2011, the examiner set forth a restriction requirement which divided claims 1-46 into three groups depending upon the specific R2 substituent and required further election of species. Claims 47-61 were unaccounted for in the restriction requirement.

On 29 March 2011, applicants elected Group I, drawn to compound and compositions of Claim 1 where L is a bond, and the species of Compound 366 of Table 1, with traverse.

On 26 May 2011, the examiner mailed to applicants a first Office action in which the traversal was considered, and the requirement was made final. Claims 4-7, 9, 16-17, 19, 21-25, 27-28, 30-36, 40-44, 48-51 and 54-61 were withdrawn from consideration under 37 CFR 1.142(b) as being directed to non-elected subject matter. Claims 1-3, 8, 10-15, 18, 20, 26, 29, 37-39, 45-47 and 52-53 were rejected under 35 U.S.C. 112, 2nd paragraph as being indefinite because "recitation of alternative definitions for the various substituents renders the entire scope of the claims indefinite." Claims 1-20 were rejected under 35 U.S.C. 112, 2nd paragraph for lack of antecedent basis for the "Z" residue. Claim 26 was also rejected for lack of antecedent basis for

R32. Claims 1-3, 8, 10-15, 18, 20, 26, 29, 37-39, 45-47 and 52-53 were rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. In a separate rejection set forth on pages 8-10 of the Office action, withdrawn process Claims 56-59 were rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al.

On 3 October 2011, applicants filed a response to the Office action.

On 29 November 2011, the examiner prepared a final Office action which maintained the rejection of Claims 1-3, 8, 10-20, 26, 29, 37-39, 45-47 and 52-53 under 35 U.S.C. 112, 2nd paragraph. New claims 62-69 were withdrawn from examination as being drawn to non-elected subject matter. From the body of the Office action, it is unclear whether the rejection of claims 1-3, 8, 10-15, 18, 20, 26, 29, 37-39, 45-47 and 52-53 under 35 U.S.C. 103(a) is maintained or withdrawn.

> 3. Claims 1-3, 8, 10-15, 18, 20, 26, 29, 37-39, 45-47 and 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al., W. O. Patent number 97/19065 has been withdrawn in view of applicants amendment to the claims.

The Examiner indicated that Claims 56-59 had not been rejected in the previous Office action.

> Applicants should note that claims 56-59 have not been rejected, see the entire body of the rejection. Thus, the appearance of the claim 56-59 on form PTO 326 was an oversight.

Applicants were then required to amend and cancel non-elected subject matter from the claims.

On 27 January 2012, applicants filed this petition.

DISCUSSION

The file history and petition have been considered carefully.

Before addressing the merits of this petition, upon review of the file, it is apparent that the restriction requirement was incomplete. The groupings were set forth as shown below:

> Group I, claim(s) 1-46 are, drawn to compounds, composition and method of use where L is a bond and a **specific R2** substituent.
>
> Group II, claim(s) 1-46 are, drawn to compounds, composition and method of use where L is –O- or –N(H)- and a **specific R2** substituent.

Group III, claim(s) 1-46 are, drawn to compounds, composition and method of use not provided for in Groups I and II.

First, process claims 48-51, 54-61 and 68-69 were not included in the Groupings.

Second, the restriction requirement failed to address product Claims 48, 52 and 53.

Third, the requirement for a "specific R2 substituent" is unclear as a variety of R2 substituents are claimed but only two groupings are set forth. From these groupings, it is unclear how divisional applications can be filed to be consonant with the restriction requirement.

Fourth, the restriction requirement contained a "catch all" Group III to account for any other compounds. Taken together, these four problems are counter to MPEP 814, which requires the examiner indicate exactly how an application is restricted.

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

The petition raises concerns about the placement of the product claims, drafted in Markush format, into three separate groups for examination. This type of restriction is inconsistent with the 9 February 2011 Federal Register Notice entitled "Supplemental Examination Guidelines for Determining Compliance with 35 U.S.C. 112 and for treatment of Related Issues in Patent Applications." This Notice applies to both national applications filed under 35 U.S.C. 111(a) and national stage applications filed in compliance with 35 U.S.C. 371. 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 guidelines, the restriction requirement between the embodiments of the Markush claims (Groups I-III) is unwarranted and is hereby replaced with a provisional election of species requirement for search and examination purposes.

The Petition then seeks reconsideration of the finality of the Office action mailed 29 November 2011.

In the first Office action on the merits, the status of the process claims is not further clarified. On one hand, claims 56-59 are withdrawn from consideration:

> Claims 4-7, 9, 16-17, 19, 21-25, 27-28, 30-36, 40-44, 48-51and 54-61 are withdrawn from further consideration by the Examiner, 37 CFR 1.142(b), as being drawn to non-elected subject matter.

Yet pages 8-10 of the Office action contain a rejection of Claims 56-59 under 35 U.S.C. 103(a).

> 6. Claims 56-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al., WO.Patent number 97/19065.

Applicants' arguments concerning the treatment of process claims 56-59 were addressed as follows in the final Office action:

> Applicants should note that claims 56-59 have not been rejected, see the entire body of the rejection. Thus, the appearance of the claim 56-59 on form PTO 326 was an oversight.

This is not correct. A rejection is maintained until either the claims are cancelled, the rejection is explicitly withdrawn by the examiner, or the rejection is overturned by the Board. Denying the existence of rejection is not sufficient. If the Examiner wishes to withdraw the rejection of process claims 56-59, then this should be communicated to applicants in a clear manner.

Next, it is noted that the final Office action withdrew new claims 62-69 from examination without any rationale as to why the claims were directed to non-elected subject matter. If the claims were directed to a non-elected invention, form paragraph 8.04 should be used to identify the withdrawn claims and to provide reasons why claims would be withdrawn by original presentation.

Additionally, the final Office action is unclear as to whether the rejection of the product claims made under 35 U.S.C. 103(a) has been maintained or withdrawn.

> 3. Claims 1-3, 8, 10-15, 18, 20, 26, 29, 37-39, 45-47 and 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al., W. O. Patent number 97/19065 has been withdrawn in view of applicants amendment to the claims.

In the absence of prior art teaching the shared technical feature, unity of invention would exist between the product claims and the processes. Because no prior art appears currently applicable on the elected compound, then the petition is correct: the search and examination should have been extended according to the guidance in the Federal Register Notice and MPEP 803.02. This was not done.

It is noticed that in the final Office action, the examiner required applicants to re-write claims to be directed solely to the elected subject matter. This is counter to MPEP 803.02 and 821.03. Applicants have a right to retain non-elected embodiments recited in the alternative of a single claim and to retain process claims that make or use the elected product.

DECISION

The petition filed on 27 January 2012 under 37 CFR 1.181 is **GRANTED** follows.

The finality of the Office action mailed 29 November 2011 has been withdrawn.

The restriction requirement made between the product claims (Groups I-III) has been withdrawn and reformatted as a provisional election of species requirement. Markush claims are to be examined according to the guidance in MPEP 803.02 and the Federal Register Notice of February 2011.

Because the restriction requirement grouped the product and process inventions together for examination and because some of the process claims have already been examined on the merits, process claims which read upon the elected compound and those compounds to which the search and examination is subsequently extended to, will be examined on the merits concurrent with the compounds.

The requirement to remove non-elected subject matter from the claims has been withdrawn.

The application will be forwarded to the examiner to consider the papers filed 27 January 2012, and to prepare an Office action addressing the product and process claims consistent with this petition decision. The examiner is to clarify the status of the obviousness rejection made on claims 56-59 in the first Office action on the merits.

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

Dan Sullivan
(Acting) Director, Technology Center 1600

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ALEXANDRIA VA 22314-1176

MAILED

JAN 13 2011

PCT LEGAL ADMINISTRATION

In re Application of :
MICHALSKI, et al. :
U.S. Application No.: 11/992,227 : DECISION ON PETITION
PCT No.: PCT/EP2006/065937 :
Int. Filing Date: 01 September 2006 : UNDER 37 CFR 1.47(a)
Priority Date: 19 September 2005 :
Attorney Docket No.: MICH3010/FJD :
For: PROPAGATION TIME MEASUREMENT METHOD FOR DETERMINING A DISTANCE :

This decision is in response to applicant's renewed petition filed 18 August 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 18 May 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.497(d). Applicant was afforded two months to file any request fore reconsideration.

On 18 August 2010, applicant filed the present renewed petition under 37 CFR 1.47; accompanied by a petition for a one-month extension of time. The response is timely filed.

DISCUSSION

As detailed in the decision mailed 18 May 2010, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items (1), (3) and (4).

As detailed in the previous decisions, applicant concedes that in cases where the inventor cannot be located a diligent effort is required to be shown before the application can proceed pursuant to 37 CFR 1.47. Applicant argues that it has provided evidence of a diligent effort previously whereas the USPTO has provided the guidance detailed in MPEP section 409.03 to show that a diligent effort has not been shown. Applicant has not provided any legal foundation to support it's contention of a diligent effort. Rather applicant has merely stated that only a diligent effort is required and that it's actions to date represent a diligent effort. Based on the

lack of evidence provided it is not possible to grant applicant's renewed petition at this time.

Applicant is advised that the Office of PCT Legal Administration does not grant interviews as a matter of course. Applicant is invited to discuss this matter by telephone with senior legal examiner Richard Cole at 571-272-3281 or alternatively have it's response treated as a final agency action if it feels that the interpretation of the Office of PCT Legal Administration of 37 CFR 1.47 and MPEP 409.03 is incorrect.

CONCLUSION

For the reasons stated above, applicant's renewed petition under 37 CFR 1.47(a) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

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ALEXANDRIA VA 22314-1176

MAILED

MAY 24 2011

PCT LEGAL ADMINISTRATION

In re Application of :
MICHALSKI, et al. : DECISION ON PETITION
Serial No.: 11/992,227 :
PCT No.: PCT/EP2006/065937 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 01 September 2006 :
Priority Date: 19 September 2005 :
Atty Docket No.: MICH3010/FJD :
For: PROPAGATION TIME MEASURING METHOD FOR DETERMINING A DISTANCE :

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 14 March 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 13 January 2011, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration.

On 14 March 2011, applicant filed the renewed petition discussed herein. 13 March 2011 being a Sunday the response is considered timely filed.

On 15 March 2011, applicant was mailed a "Notification of Abandonment" (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to respond to the Form PCT/DO/EO/905) mailed 21 July 2009

DISCUSSION

It is noted that, as indicated above, applicant's present petition was a timely filed response to the decision mailed 13 January 2011 and the Form PCT/DO/EO/909 indicating that the application was abandoned was mailed prematurely.

As detailed in the decision mailed 13 January 2011, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint

inventor. Applicant previously satisfied items 1, 3 and 4.

Applicant's initial petition included an email indicating that inventor Dominik Buser "is moved unknown." In addition, applicant included a letter written in a foreign language allegedly mailed to the inventor and a non-translated stamped envelope purportedly indicating that the letter could not be delivered. Applicant proposed that this constituted a diligent effort to locate the non-signing inventor.

Applicant did not include a firsthand statement indicating what was mailed to the inventor. Applicant did not provide any information to indicate that an effort was taken to locate a valid address for the non-signing inventor after the initial mailing was returned.

Regarding a search for a valid mailing address, the MPEP provides that:

> Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

Applicant now states, "If the Attorney Advisor expects applicant's assignee to demonstrate what was learned from th [sic] internet, this can be done."

That is exactly what is needed in order for the application to proceed pursuant to 37 CFR 1.47(a).

CONCLUSION

For the reasons stated above, applicant's renewed petition under 37 CFR 1.47(a) is **DISMISSED**.

The Form PCT/DO/EO/909 mailed 15 March 2011 is hereby **VACATED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

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OCT 17 2011

PCT LEGAL ADMINISTRATION

In re Application of :
MICHALSKI, et al. :
U.S. Application No.: 11/992,227 : DECISION ON PETITION
PCT No.: PCT/EP2006/065937 :
Int. Filing Date: 01 September 2006 : UNDER 37 CFR 1.47(a)
Priority Date: 19 September 2005 :
Attorney Docket No.: MICH3010/FJD :
For: PROPAGATION TIME MEASUREMENT METHOD FOR DETERMINING A DISTANCE :

This decision is in response to applicant's renewed petition filed 26 September 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 24 May 2011, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.497(d). Applicant was afforded two months to file any request fore reconsideration.

On 26 September 2011, applicant filed the present renewed petition under 37 CFR 1.47; accompanied by a petition for a two-month extension of time and payment of the appropriate extension of time fee. 24 September 2011 being a Saturday, the response is timely filed.

DISCUSSION

As detailed in the decision mailed 24 May 2011, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items (1), (3) and (4).

As detailed in applicant's response of 26 September 2011, applicant has located the previously non-signing inventor and currently provided a declaration signed by Mr. Buser. As applicant has now provided signed declarations by all of the inventors listed on the published international application, the renewed petition under 37 CFR 1.47(a) is dismissed as moot.

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.47(a) is **DISMISSED as moot**.

The application has an international filing date of 01 September 2006 under 35 U.S.C. 363, and will be given a date of **26 September 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/992,233	07/02/2008	Rakesh Ratnam	29257U	4854

7590 08/11/2010

THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314

EXAMINER	
HENRY, MICHAEL C	
ART UNIT	PAPER NUMBER
1623	
MAIL DATE	DELIVERY MODE
08/11/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Patent Publication Branch
Office of Data Management

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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.
11/992,235	07/02/2008	Rakesh Ratnam	29258U	4857

7590 08/11/2010

THE NATH LAW GROUP
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EXAMINER	
FRONDA, CHRISTIAN L	
ART UNIT	PAPER NUMBER
1652	
MAIL DATE	DELIVERY MODE
08/11/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Patent Publication Branch
Office of Data Management

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APR 22 2011

PCT LEGAL ADMINISTRATION

DEERE & COMPANY
ONE JOHN DEERE PLACE
MOLINE IL 61265

In re Application of: LANG, Mattias, et al.
U.S. Application No.: 11/992,244
PCT No.: PCT/EP2006/066036
International Filing Date: 05 September 2006
Priority Date: 21 September 2005
Attorney's Docket No.: 09478W-US
For: COOLING ARRANGEMENT OF A VEHICLE

DECISION ON PETITION
(37 CFR 1.137(b))

The petition for revival under 37 CFR 1.137(b) filed 09 March 2011 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned at midnight on 01 August 2009 due to applicants' failure to submit a proper response to the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed 01 June 2009. The abandonment was confirmed in the "Notification of Abandonment" (Form PCT/DO/EO/903) mailed on 07 February 2011.

The present petition was accompanied by the petition fee and the "required reply" in the form of a revised English translation of the international application with the translated claims beginning on a separate page (payment of the processing fee for filing the translation later than thirty months after the priority date had previously been submitted). In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the present national stage application is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 09 March 2011.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
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OCT 20 2010

PCT LEGAL ADMINISTRATION

22116
SIEMENS CORPORATION
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

In re Application of
JABADO *et al*
U.S. Application No.: 11/992,325
PCT No.: PCT/EP2006/066392
Int. Filing Date: 15 September 2006
Priority Date: 23 September 2005
Attorney Docket No.: 2005P09449WOUS
For: COLD GAS SPRAYING METHOD

DECISION

This is a decision on the papers filed 24 August 2010 which are treated as a petition to add an inventor under 37 CFR 1.497(d), and a renewed petition to revive under 37 CFR 1.137(b).

BACKGROUND

On 26 June 2010, a decision dismissing applicants' petition to revive under 37 CFR 1.137(b) was mailed. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 24 August 2010, applicants filed the subject response which was accompanied by, *inter alia*, a $130.00 processing fee, a statement by statement of assignee consent.

DISCUSSION

A petition to revive pursuant to 37 CFR 1.137(b) requires: (1) a proper reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply to the filing of a grantable petition pursuant to this paragraph was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

Applicants failed to satisfy item (1) of 37 CFR 1.137(b) as the declaration filed in response to the Form PCT/DO/EO/905 mailed 10 July 2009 listed a different inventive entity than recorded in the international application.

In the subject response, applicants submitted a petition under 37 CFR 1.497(d) to add Michael RINDLER as an inventor.

Petition to Add an Inventor Pursuant to 37 CFR 1.497(d)

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:
>
> > (1) A statement from each person being added as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17(l); and
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Applicants filed the requisite statement by Michael RINDLER who states that the inventorship error occurred without any deceptive intention. The processing fee of $130.00 has been paid. Items (1) and (2) of 37 CR 1.497(d) are satisfied.

Applicants also submitted a consent of assignee signed by a representative of the assignee, Siemens Aktiengesellschaft. The official states that he is empowered to act on behalf of the assignee. The reel and frame number of the assignment was provided. An assignment to Siemens Aktiengesellschaft was also recorded in the subject application on 14 June 2010. This satisfies the written consent of assignee requirement. *See* MPEP § 324.

Therefore, all the requirements of 37 CFR 1.497(d) are complete.

CONCLUSION

Applicants' request to add Michael RINDLER as an inventor under 37 CFR 1.497(d) is **GRANTED**.

The declaration filed 14 June 2010 is now in compliance with 37 CFR 1.497(d). As such, all the requirements of 37 CFR 1.137(b) are complete.

Applicants' renewed petition to revive under 37 CFR 1.137(b) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 15 September 2006, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 14 June 2010.

This application is being forwarded to the United States Designated/Elected Office for further processing in accordance with this decision.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

MAILED

AUG 04 2010

OFFICE OF PETITIONS

In re Application of :
Hidenori HINAGO, *et al.* :
Application No. 11/992,423 : DECISION GRANTING PETITION
Filed: March 21, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **1056-0186PUS1** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 3, 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 March 29, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1621 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/992,431	07/03/2008	Rakesh Ratnam	29260U	8218

7590 08/11/2010

THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314

EXAMINER	
BLAND, LAYLA D	
ART UNIT	**PAPER NUMBER**
1623	
MAIL DATE	**DELIVERY MODE**
08/11/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Betty Powell

Patent Publication Branch
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
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JONATHAN P. O'BRIEN, PH.D.
HONIGMAN MILLER SCHWARTZ AND COHN LLP
350 EAST MICHIGAN AVENUE
SUITE 300
KALAMAZOO MI 49007

MAILED

NOV 01 2011

OFFICE OF PETITIONS

Applicant: Ruth Baxter, et al.
Appl. No.: 11/992,464
International Filing Date: September 22, 2006
Title: GAPR-1 METHODS
Attorney Docket: 223255/P0661US/121463
Pub. No.: US 20110059069 A1
Pub. Date: March 10, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 5, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains an error in claim 31.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor in claim 31 may be an Office mistake, but it is not a material Office error under 37 CFR 1.221(b). The mistake is a minor typographical error and it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See MPEP 1130B.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

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CROSSLEY PATENT LAW
236 South Third Street
#287
MONTROSE, CO 81401

MAILED

SEP 13 2010

OFFICE OF PETITIONS

In re Application of	:	
Richard J. Willett	:	
Application No. 11/992,466	:	DECISION ON PETITION
Filed: March 20, 2008	:	TO WITHDRAW FROM
Attorney Docket No. 06-09-28PA	:	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 July 23, 2010.

The request is **APPROVED**.

The request was signed by Mark Crossley on behalf of himself and all attorneys/agents associated with Customer Number 39172. Therefore, Mark Crossley and all the attorneys/agents associated with Customer Number 39172 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

All future communications from the Office will be directed to the sole inventor at 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: Richard Willett
391 8th Street, Suite 1
Brooklyn, NY 11215

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OCT 17 2011

PCT LEGAL ADMINISTRATION

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

In re Application of :
VOSKUHL :
Application No.: 11/992,558 : DECISION ON PETITION
Filing Date: September 26, 2006 : UNDER 37 CFR 1.78
Attorney Docket No.: 038586-0346002 :

This is a decision on the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), filed July 18, 2011, to accept an unintentionally delayed claim under 35 U.S.C. 120, 365(c) and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a late claim for priority under 37 CFR 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. 120 and 119(e) and 37 CFR 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in 37 CFR 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 complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) in that (1) a reference to the prior-filed applications has been included in an

amendment to the first sentence of the specification following the title as provided by 37 CFR 1.78(a)(2)(iii) and 1.78(a)(5)(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 petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. 120 and 119(e) to the prior-filed applications satisfies the conditions of 37 CFR 1.78(a)(3) and 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. 120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. 119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this matter may be directed to Bryan Lin at (571) 272-3303. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1649 for appropriate action on the amendment submitted July 18, 2011, including consideration by the examiner of the claim for benefit of the prior-filed applications.

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

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JUL 13 2011

PCT LEGAL ADMINISTRATION

KUBOVCIK & KUBOVCIK
SUITE 1105
1215 SOUTH CLARK STREET
ARLINGTON VA 22202

In re Application of:
KASAHARA, Hiroyuki, et al.
U.S. Application No.: 11/992,764
PCT No.: PCT/JP2006/319382
International Filing Date: 28 September 2006
Priority Date: 29 September 2005
Attorney's Docket No.: EBT-001
For: METHOD OF AFFIXATION, AND PRESSURE-SENSITIVE ADHESIVE FOR USE IN AFFIXATION

DECISION ON PETITION UNDER 37 CFR 1.181

This decision is issued in response to the "Request For Corrected Notice Of Acceptance Of Application" and the "Request For Corrected Filing Receipt" filed 13 July 2010, treated in part herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date for the present application. No petition fee is required.

BACKGROUND

On 28 September 2006, applicants filed international application PCT/JP2006/319382. The international application claimed a priority date of 29 September 2005, and it designated the United States. On 05 April 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submitting the basic national fee was thirty months from the priority date, i.e., 29 March 2008.

On 28 March 2008, applicants filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee and an English translation of the international application.

On 27 June 2008, applicants filed an executed declaration in compliance with 37 CFR 1.497(a) and (b).

On 15 July 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an English translation of the international application and the processing fee for filing the English translation later than thirty months after the priority date. The Notification indicated that the English translation filed on 28 March 2008 was defective because it included 10 claims, while the published international application included only nine claims.

On 14 September 2009, applicants filed a response to the Notification Of Missing Requirements indicating that the English translation filed on 28 March 2008 was correct and that the discrepancy in the number of claims was the result of an error in the original publication of the international application. The response included a copy of the corrected publication of the international application which included 10 claims (corresponding to the number of claims included in the English translation filed on 28 March 2008).

On 07 January 2010, the DO/EO/US mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements," the "Date Of Completion Of All U.S.C. 371 Requirements," and the receipt date of the English translation as 28 March 2009. Also on 07 January 2010, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 28 March 2009.

On 13 July 2010, applicants filed the "Request For Corrected Notice Of Acceptance Of Application" and the "Request For Corrected Filing Receipt" considered herein as a petition under 37 CFR 1.181.

DISCUSSION

Applicants' petition argues that the English translation of the international application was filed on 28 March 2008 and that the correct date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) for the present application is 27 June 2008, the date on which applicants filed the final requirement of 35 U.S.C 371(c), the executed declaration.

A review of the application file confirms that the English translation of the international application was filed on 28 March 2008, not 28 March 2009 (as set forth on the Notification of Acceptance), and that the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) were completed by the submission of the executed declaration on 27 June 2008. Accordingly, as requested in the present petition, USPTO records are appropriately corrected to identify the 35 U.S.C. 371(c) date for the present application as 27 June 2008 and the receipt date of the English translation as 28 March 2008.

CONCLUSION

The petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date for the present application is **GRANTED**.

The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) for the present application is corrected to **27 June 2008**, the filing date of the executed declaration.

In addition, the filing date of the English translation of the international application is confirmed as 28 March 2008.

The Notification Of Acceptance (Form PCT/DO/EO/903) mailed on 07 January 2010, which incorrectly identified the 35 U.S.C. 371(c) date and the receipt date of the English translation as 28 March 2009, is hereby **VACATED.**

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including: (1) the issuance of a corrected Notification of Acceptance (Form PCT /DO/EO/903) identifying the receipt date of the English translation of the international application as 28 March 2008 and the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as **27 June 2008**; and (2) the issuance of a corrected filing receipt identifying the 35 U.S.C. 371(c) date as **27 June 2008**.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

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.
11/992,825	03/28/2008	Robert M. Benson	63242A US	3035

25212 7590 08/20/2010

DOW AGROSCIENCES LLC
9330 ZIONSVILLE RD
INDIANAPOLIS, IN 46268

EXAMINER	
KRUSE, DAVID H	

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
08/20/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 2 0 2010

DOW AGROSCIENCES LLC
9330 ZIONSVILLE RD
INDIANAPOLIS IN 46268

In re Application of:
Benson et al.
Serial No.: 11/992,825
Filed: September 28, 2006
Attorney Docket No.: **63242A US**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed August 5, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Declaration under 37 CFR 1.132 submitted on August 5, 2010 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under 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.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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

MAILED

APR 25 2011

OFFICE OF PETITIONS

In re Application of :
Jan Weigel :
Application No. 11/992,846 : ON PETITION
Filed: March 31, 2008 :
Attorney Docket No. EXCITATION DEVICE FOR AN ELECTRIC MACHINE

This is a decision on the petition, filed April 19, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 25, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2839 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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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

MAILED

JUN 10 2011

OFFICE OF PETITIONS

In re Application of :
Damude et al. :
Application No. 11/992,899 : DECISION ON PETITION
Filed: March 27, 2008 TO WITHDRAW FROM RECORD
Attorney Docket No. BB1562 USPCT :
:

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 25, 2011.

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

A review of the file record indicates that on May 18, 2011 the power of attorney to Alston & Bird, 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/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: POTTER ANDERSON & CORROON LLP
ATTN: JANET E. REED, PH.D.
P.O. BOX 951
WILMINGTON DE 19899-0951

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ALLTECH ASSOCIATES INC
7500 GRACE DRIVE
COLUMBIA MD 21044-4098

MAILED

MAY 23 2011

OFFICE OF PETITIONS

In re Application of :
Zhe Chen :
Application No. 11/992,904 : ON PETITION
Filed: March 28, 2008 :
Attorney Docket No. W9749-01 :

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed May 9, 2011.

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

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action mailed August 23, 2010. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on November 24, 2010. The Office mailed a Notice of Abandonment on March 11, 2011.

Petitioner states that he did not receive the August 23, 2010 Office action. In support thereof, petitioner has included a copy of a master docket report, showing all of the firm's replies docketed for due dates between August 22, 2010 to November 23, 2010. An entry for the instant application does not appear.

To establish nonreceipt of an Office action, a petitioner must: 1) include a statement that the Office action was not received; 2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3) include a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed.[1] A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."[2] "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."[3]

Petitioner has met the above requirements. Accordingly, it is concluded that petitioner did not receive the August 23, 2010 Office action.

The application is being forwarded to Group Art Unit 2856 for re-mailing of the August 23, 2010 Office action, setting a new period for reply.

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

Cliff Congo
Petitions Attorney
Office of Petitions

---

[1] See MPEP 711.03(c)(II).

[2] Id.

[3] Id.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110218

DATE : February 18, 2011

TO SPE OF : ART UNIT 2481

SUBJECT : Request for Certificate of Correction on Patent No.: 7,869,501

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:

/Peter-Anthony Pappas/
Supervisory Patent Examiner.Art Unit 2481

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 06-08-11

TO SPE OF : ART UNIT 1722

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/993005 Patent No.: 7855044

CofC mailroom date: 06-03-11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: _____

_____

Angela Green 571.272.9005
CofC Branch 703-756-1814

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

SPE Cynthia H Kelly Art Unit 1722

16 AUG 2010

\United States Patent and Trademark Office

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

SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

In re Application of	:	
Katayama et al.	:	
Application No.: 11/993,006	:	
PCT No.: PCT/JP2006/313000	:	
Int. Filing Date: 29 June 2006	:	DECISION
Priority Date: 01 July 2005	:	
Attorney Docket No.: 43521-6400	:	
For: Driving Recorder	:	

This is in response to the renewed submission under 37 CFR 1.42 filed on 26 July 2010.

DISCUSSION

In a Decision mailed on 19 July 2010, the declaration filed on 17 May 2010 was not accepted, without prejudice, because the "Declaration Supplemental Sheet For Legal Representative..." appeared to be missing. In response, counsel has provided a complete copy of the declaration, including the formerly missing sheet. This declaration is acceptable under 37 CFR 1.42 and 37 CFR 1.497(a) and (b)..

DECISION

The declaration filed on 26 July 2010 is **ACCEPTED** under 37 CFR 1.42..

This application is being forwarded to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **26 July 2010**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 29711-328	Application Number (if known): 11/993,074	Filing date: 02-14-2008

First Named Inventor: BURKHOLDER, Steve G.

Title: SPILL AVOIDANCE SYSTEM AND METHOD

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. **See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /s/ Robert P. Nupp	Date 09-28-2010
Name (Print/Typed) Robert P. Nupp	Registration Number 64,407

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

PTO/SB/420 (05-10)
Approved for use through 01/31/2011. OMB 0651-0062
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.

Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

***The following is a summary of the requirements** (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):*

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	BURKHOLDER, Steve G.
Application No.	:	11/993,074
Filing or 371(c) Date	:	February 14, 2008
Examiner	:	MAUST, Timothy Lewis
Art Unit	:	3751
Docket No.	:	29711.328
Confirmation No.	:	3218
Title	:	SPILL AVOIDANCE SYSTEM AND METHOD

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

SUPPORT DOCUMENT /
PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Dear Sir or Madam:

In connection with the above-referenced patent application ("Application"), Applicant hereby submits the following support document in support of the Applicant's Petition To Make Special Under The Green Technology Pilot Program ("the petition"). Authority to file the petition is provided under 37 C.F.R. 1.102, M.P.E.P. § 708.02, 74 Fed. Reg. 64666 ("Pilot Program for Green Technologies Including Greenhouse Gas Reduction") (Dec. 8, 2009), and 75 Fed. Reg. 28554 ("Elimination of Classification Requirement in the Green Technology Pilot Program") (May 21, 2010).

REMARKS

Applicant is entitled to a grant of the petition since it meets the requirements for being accorded special status according to the GREEN TECHNOLOGY PILOT PROGRAM, listed below.

(1) The Application is a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, prior to December 8, 2009.

(2) The Application contain three or fewer independent claims and twenty or fewer total claims, and does not contain any multiple dependent claims.

(3) The claims are directed to a single invention that materially enhances the quality of the environment by contributing to the maintenance of the basic life-sustaining natural elements, in the following manner. One or more embodiments of the invention are directed to certain aspects of fuel tanks that may be used on pleasure boats and other marine vessels in such a manner as to significantly reduce or eliminate liquid fuel spillage. Some contemporary estimates of such fuel spillage are in excess of six million gallons annually in the United States alone. The resultant fuel losses are ecologically detrimental in terms of contamination to water. Also, one or more embodiments are directed to aspects of fuel tanks that allow for the significant reduction or elimination of fuel vapor emission. Fuel vapor emission is ecologically detrimental in terms of contamination to air.

Additionally, for the reasons stated, the invention materially contributes to: (1) more efficient utilization and conservation of energy resources, and (2) green house gas emission reduction.

If the USPTO determines that the claims are directed to multiple inventions, Applicant agrees to make an election without traverse in a telephonic interview, and will elect an invention that meets the eligibility requirements in section II or III of the notice published in 74 Fed. Reg. 64666.

(4) The petition is timely filed, electronically using the USPTO electronic filing system, EFS-Web, and form PTO/SB/420.

(5) The petition is filed at least one day prior to the date that a first Office action appears in the Patent Application Information Retrieval (PAIR) system.

(6) The petition is accompanied by the publication fee set forth in 37 CFR 1.18(d).

CONCLUSION

In view of the above, it is believed that Applicant is entitled be placed on the Examiner's special docket. If additional fees are due in connection with this petition, the Commissioner is authorized to charge Deposit Account No. 022051, designating Docket No. 29711.328.

Respectfully submitted,

DATED: Sept. 28, 2010

By: /s/ Robert Nupp
Robert Nupp
Registration No. 64,407

BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP
2300 BP Tower
200 Public Square
Cleveland, OH 44114
(216) 363-4453

Attorney for Applicant

UNITED STATES PATENT AND TRADEMARK 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.
11/993,074	02/14/2008	Steve Burkholder	29711	3218

21130 7590 10/04/2010

BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP
ATTN: IP DEPARTMENT DOCKET CLERK
200 PUBLIC SQUARE
SUITE 2300
CLEVELAND, OH 44114-2378

EXAMINER	
MAUST, TIMOTHY LEWIS	
ART UNIT	**PAPER NUMBER**
3751	

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):

patent@beneschlaw.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

BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP
ATTN: IP DEPARTMENT DOCKET CLERK
200 PUBLIC SQUARE
SUITE 2300
CLEVELAND OH 44114-2378

In re Application of	:	
BURKHOLDER, STEVE	:	DECISION ON PETITION
Application No. 11/993,074	:	TO MAKE SPECIAL UNDER
Filed: Dec. 19, 2007	:	THE GREEN TECHNOLOGY
Attorney Docket No. 29711	:	PILOT PROGRAM
Title of Invention: SPILL AVOIDANCE SYSTEM AND METHOD		

This is a decision on the petition under 37 CFR 1.102, filed Sep. 28, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

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 instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry Yuen at 571-272-4856.

The application is being forwarded to the Technology Center Art Unit 3751 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
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
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Poister, Lieder, Woodruff & Lucchesi, L.C.
12412 Powerscourt Drive, Ste. 200
St. Louis, MO 63131-3615

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of
Robert J. Viviano
Application No. 11/993,179
Filed: January 15, 2010
Attorney Docket No. 1060.BEZW012U

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 31, 2011.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Poister, Lieder, Woodruff & Lucchesi, L.C.., has been revoked by the applicant of the patent application on January 31, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Paul M. Denk
763 South New Ballas
Ste. 305
St. Louis, MO 63141

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

MAILED

MAY 23 2011

PCT LEGAL ADMINISTRATION

In re Application of :
Spurge et al. :
Application No.: 11/993,236 :
PCT No.: PCT/AU2006/000863 :
Int. Filing Date: 20 June 2006 : DECISION
Priority Date: 20 June 2005 :
Attorney Docket No.: RICE-112 :
For: Composition For Treating Skin Lesions :

This is in response to the "Request For Corrected Filing Receipt" filed on 25 January 2011.

BACKGROUND

This international application was filed on 20 June 2006,, claimed an earlier priority date of 20 June 2005, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 28 December 2006. Accordingly, the period for payment of the basic national fee in the United States expired as of midnight on 20 December 2007. Applicant filed *inter alia* a basic national fee on 20 December 2007.

On 23 July 2010, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) were mailed, showing a 35 U.S.C. 371(c)(1), (2) and (4) date of "05/06/2010."

DISCUSSION

Petitioner requests issuance of a corrected Filing Receipt correcting the "371(c) Date to May 6, 2008." Review of the record reveals that the requirements of 35 U.S.C. 371(c)(1), (2) and (4) were satisfied with the filing of a declaration compliant with 37 CFR 1.497(a) and (b) on 06 May 2008. As such, the Filing Receipt and Notice of Acceptance mailed on 23 July 2010 were issued in error, and both are hereby **VACATED**.

DECISION

The request is **GRANTED**.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is corrected to **06 May 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

MAILED

OCT 12 2011

OFFICE OF PETITIONS

In re Application of :
Srivastava et al. :
Application No. 11/993,249 : DECISION ON PETITION
Filed: December 20, 2007 :
Attorney Docket No. CU-6261 RJS/ZF :

This is a decision on the petition under 37 CFR 1.181, filed September 9, 2011, requesting withdrawal of the holding of abandonment in the above-identified application.

This application was held abandoned for failure to timely submit issue and publication fees on or before August 12, 2011, as required by the Notice of Allowability mailed May 12, 2011. A Notice of Abandonment was mailed August 25, 2011.

Petitioner asserts that the reply was timely. Petitioner has submitted a copy of the Auto-Reply Facsimile Transmission showing the PART B FEE(S) TRANSMITTAL stamped August 12, 2011. Therefore petitioner's reply received on August 12, 2011 was indeed timely.

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

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

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

MAILED
OCT 06 2010
OFFICE OF PETITIONS

Applicant: Rosales, et al.
Appl. No.: 11/993,261
International Filing Date: June 28, 2006
Title: BICYCLIC DERIVATIVES AS P38 KINASE INHIBITORS
Attorney Docket No.: 3494-117
Pub. No.: 2009/0286775 A1
Pub. Date: November 19, 2009

This is a decision on the requests for a corrected patent application publication under 37 CFR 1.221(b), received on January 19, 2010, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors wherein in the claims wherein there are typographical errors in several claims.

The application was abandoned on May 3, 2010 for failure to respond to an Office Action.

The request is DISMISSED as moot.

Since the application has been abandoned, the request is deemed moot.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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NXP, B.V.
NXP INTELLECTUAL PROPERTY & LICENSING
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE CA 95131

MAILED

JAN 12 2011

PCT LEGAL ADMINISTRATION

In re Application of :
MIKA *et al* :
Application No.: 11/993,290 :
PCT No.: PCT/IB2006/052018 :
Int. Filing Date: 21 June 2006 :
Priority Date: None :
Atty. Docket No.: 00 1616 US2 :
For: PHASE-LOCKED LOOP :
SYSTEMS USING ADAPTIVE... :

DECISION

This is a decision on applicant's national stage application papers filed in the U.S. Patent and Trademark Office (USPTO) on 20 December 2007.

BACKGROUND

On 21 June 2006, applicants filed international application No. PCT/IB2006/052018 which claimed a priority date of 21 June 2005, and which designated the United States.

On 20 December 2007, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*,: the basic national fee and an Application Data Sheet.

DISCUSSION

A review of the published international application, a copy of the originally filed Request, and the Application Data Sheet reveals that applicant has claimed priority to U.S. provisional application No. 60/609,799. The documents submitted by applicants all indicate that the prior application has a filing date of 21 June 2005.

However, a review of USPTO records reveals that U.S. provisional application No. 60/609,799 has a filing date different than, the date given by applicants in the present application and which is more than a year prior to the international filing date of the present application. In that the

'799 application was filed more than a year prior to the international filing date of the present application, it does not constitute a proper claim for domestic priority under 35 U.S.C. 119(e).

USPTO records also appear to indicate that the '799 application is drawn to subject mater unrelated to the present application. As such, it would appear that applicants may have claimed benefit to a prior filed application different from the application which they intended. Therefore, applicants may wish to consider filing a petition under 37 CFR 1.78 to add a benefit claim to the correct prior U.S. application.

CONCLUSION

For the reasons above, the claim for domestic priority to U.S. provisional application No. 60/609,799 is **REFUSED**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision.

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281

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17 SEP 2010

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25908
NOVOZYMES NORTH AMERICA, INC.
500 Fifth Avenue
Suite 1600
New York, NY 10110

In re Application of :
PAYNE *et al* :
U.S. Application No.: 11/993,335 :
PCT No.: PCT/GB2006/002289 :
Int. Filing Date: 22 June 2006 : **DECISION**
Priority Date: 22 June 2005 :
Attorney's Docket No.: 11080.204-US :
For: GENE EXPRESSION TECHNIQUE :

This decision is in response to the papers filed 07 July 2010 which are treated as a petition under 37 CFR 1.181. No fee is required.

BACKGROUND

On 20 December 2007, applicants filed papers to enter the national stage of PCT/GB2006/002289 which was accompanied by, *inter alia*, an executed declaration.

On 16 March 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) stating that the declaration filed 02 September 2009 was not in compliance with 37 CFR 1.497(a) and (b), in that, the first inventor's name was written in reverse. Applicants were requested to provide a declaration in compliance with 37 CFR 1.497(a) and (b), a surcharge fee and a computer readable form (CRF) sequence listing within two months with extensions of time available.

On 07 July 2010, applicants filed a response claiming that the declaration filed on 20 December 2007 did list the inventor's name properly, but that the name was listed improperly on the Application Data Sheet (ADS). A new ADS was provided along a two-month extension and fee and authorization to charge any required fee to Deposit Account No. 50-1701.

On 01 September 2010, the DO/EO/US mailed a Notification of a Defective Response (Form PCT/DO/EO/916) stating that a surcharge fee and CRF sequence listing was still required. Applicants were given one month to respond, or any time remaining in the Form PCT/DO/EO/905, whichever was longer.

DISCUSSION

A review of the application file and international papers show that the first inventor was properly identified on the declaration filed 20 December 2007.

The inventor is listed as PAYNE, Thomas on the international publication, WO 2006/136831. The inventor is listed as Thomas Payne on the declaration. This is appropriate.

Applicants' response regarding the declaration is acceptable. The $130.00 surcharge fee has been charged to Deposit Account No. 50-1701 as authorized.

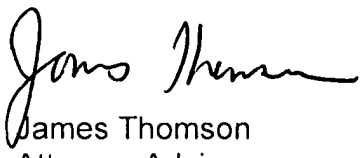
Applicants are reminded that a CRF sequence listing is still required to avoid abandonment of the application.

DECISION

Applicants' petition under 37 CFR 1.181 is **GRANTED**.

This declaration filed 20 December 2007 is in compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

2 - SEP 2010

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

In re Application of	:	
CHETHAM, Scott, et al.	:	
Application No.: 11/993,340	:	
PCT No.: PCT/AU2006/000922	:	DECISION
Int. Filing Date: 30 June 2006	:	
Priority Date: 01 July 2005	:	
Attorney Docket No.: DAVI203.004APC	:	
For: MONITORING SYSTEM	:	

This is a decision on applicants' petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 06 July 2010.

BACKGROUND

On 07 May 2010, the Office mailed Decision, informing applicants that their national phase entry listed two different international application numbers, but that a national phase entry is the entry of only a single international application.

On 06 July 2010, applicants filed this petition to correct the national phase data for the above application.

DISCUSSION

Applicants have explained that the paperwork was intended as a national stage entry of PCT/AU2006/000922. The indications will be corrected in the file and the file will be processed as a national stage entry of PCT/AU2006/000922.

CONCLUSION

For the reasons listed above, the Petition Under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Division for further processing consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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OFFICE OF PETITIONS

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

In re Application of	: DECISION ON REQUEST TO
Scott CHETHAM et al.	: PARTICIPATE IN PPH PROGRAM
Application No. 11/993,340	: AND PETITION TO MAKE SPECIAL
Filed: December 14, 2010	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: DAVI203.004APC	:
For: MONITORING SYSTEM	

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 15, 2011 to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

(1) the U.S. application is a Paris Convention application which either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the IP Australia (IPAU) or claims priority to a PCT application that contains no priority claims. Alternatively, it can be a national stage application under the PCT which validly claims priority to an application filed in the IPAU or claims priority to a PCT application that contains no priority claims. It can also be a "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 validly claims priority to an application filed in the IPAU or claims priority to a PCT application that contains no priority claims, or contains no priority claim;

(2) applicant must submit a copy of the allowable/patentable claim(s) from the IPAU 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 IPAU application(s);

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

(5) applicant must submit a copy of all the office actions from each of the IPAU application(s) containing the allowability/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) applicant must submit an IDS listing the documents cited by the IPAU examiner in the IPAU office action along with copies of documents except U.S. patents or U.S. patent application publications; and

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 Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

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 Technology Center Art Unit 3736 for action on the merits commensurate with this decision
been completed.

David Bucci
Petitions Examiner
Office of Petitions

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SEAGER TUFTE & WICKHEM, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS MN 55403-2420

In re Application of :
Karl P. Belliard :
Application No. 11/993,364 : DECISION ON PETITION
Filed: December 20, 2007 : TO WITHDRAW
Attorney Docket No. 1292.1420101 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed February 25, 2012.

The request is **APPROVED**.

A review of the file record indicates that Katharina W. Schuster: (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, Katharina W. Schuster 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 inquires concerning this decision should be directed to Irvin Dingle at 571-272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Katharina W. Schuster
Sprinkle IP Law Group
1301 W. 25th St., Suite 408
Austin TX 78705

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/993,393	03/22/2010	Arkady Glukhovsky	BION-009/01US 307799-2023	6625

58249 7590 10/13/2011

COOLEY LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON, DC 20001

EXAMINER	
WIELAND, ROBERT N	
ART UNIT	**PAPER NUMBER**
3762	

MAIL DATE	DELIVERY MODE
10/13/2011	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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COOLEY LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON DC 20001

In re Application of	:	
GLUKHOVSKY, ARKADY , et al	:	DECISION ON REQUEST TO
Application No. 11/993,393	:	PARTICIPATE IN PATENT
Filed: March 22, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. BION-009/01US 307799-2023	:	PROGRAM AND PETITION
For: IMPLANT SYSTEM AND METHOD USING IMPLANTED PASSIVE CONDUCTORS FOR ROUTING ELECTRICAL CURRENT	:	TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 10, 2011 to make the above-identified application special.

The request and petition are granted.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT 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/PCT 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.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Upon completion of pre-examination processing, this application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4485. All other inquiries concerning the examination or status of the application should be directed to Niketa Patel, SPE of Art Unit 3762, and 571-272-4156 for Class 607 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/993,401	02/29/2008	Dimitrios Tsirangelos	107-4252 (A9603PCT-UT)	6684

43749 7590 10/15/2010

CHRISTOPHER PARADIES, PH.D.
FOWLER WHITE BOGGS P.A.
501 E KENNEDY BLVD, STE. 1700
TAMPA, FL 33602

EXAMINER	
ART UNIT	PAPER NUMBER
3644	

MAIL DATE	DELIVERY MODE
10/15/2010	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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CHRISTOPHER PARADIES, PH.D.
FOWLER WHITE BOGGS P.A.
501 E KENNEDY BLVD, STE. 1700
TAMPA FL 33602

Applicant: Tsirangelos et al.
Appl. No.: 11/993,401
Filing Date: February 29, 2008
Title: FLEXIBLE POWER RACEWAY
Attorney Docket No.: 107-4252 (A9603PCT-UT)
Pub. No.: US 2010/0155530 A1
Pub. Date: June 24, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on October 11, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 10/18/2010 KKING1
10/12/2010 INTEFSW 00007625 500864 11993401
01 FC:1504 300.00 CR

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CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford CT 06103

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JUL 05 2011

OFFICE OF PETITIONS

In re Application of :
Kye et al. :
Application No. 11/993,413 : DECISION ON PETITION
Filed: December 20, 2007 :
Attorney Docket No. GUA-0052 :

This is a decision on the petition filed under 37 CFR 1.137(b) in the above-identified application filed on June 17, 2011.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a response to a non-final Office Action, which was mailed on July 22, 2010. The non-final Office Action set a three (3) month shortened statutory period for reply. Accordingly, this application became abandoned on October 23, 2010. A Notice of Abandonment was mailed on May 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 an amendment and abstract (2) the petition fee of $810.00, and (3) a statement of unintentional delay.

The address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

This application is being referred to Technology Center AU 2824 for appropriate action by the Examiner in the normal course of business on the reply received.

Charlema Grant
Attorney
Office of Petitions

Cc: Jae Hoon Kin, Cantor Colburn, LLP, 1800 Diagonal Road, Suite 510, Alexandria, VA 22314

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In re Patent No. 7,932,013 :
Issue Date: April 26, 2011 :
Application No. 11/993,444 : DECISION ON PETITION
Filed: December 20, 2007 :
Attorney Docket No. SHIGA7.122APC :

This is a decision on the Letter, filed October 5, 2011, which is being treated as a Petition Under 37 CFR §3.81(b), to add the omission of the co-assignee's name. A completed Certificate of Correction Form was submitted with Petition.

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

Petitioner requests that the present petition was submitted to add the omission of the co-assignee's name on the previously submitted PTOL-85B and such error was fault of the Applicant. 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), has been submitted. However, the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), is required. Therefore, since the petition was accompanied deposit account authorization, the fee has been charged. 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.

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 (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. 7,932,013.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

cc: Knobbe Marten Olson & Bear LLP
12790 El Camino Real
San Diego, CA 92130

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P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

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OFFICE OF PETITIONS

In re Application of :
Carlos Cordeiro et al. :
Application No. 11/993,530 : ON PETITION
Filed: December 21, 2007 :
Attorney Docket No. 2005P01793WOUS :

This is a decision on the petition under 37 CFR 1.137(b)[1], filed February 7, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Final Office Action mailed June 9, 2011 which set a three (3) month shortened statutory period for reply. No extensions of time under 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed December 19, 2011.

Petitioner has submitted a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

This matter is being referred to Technology Center 2478 for processing of the RCE.

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

---

[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 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)).

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OFFICE OF PETITIONS

GIBBONS P.C
ONE GATEWAY CENTER
NEWARK, NJ 07102

In re Application of :
John F. Hammerstone, Jr. :
Application No. 11/993,546 : DECISION ON PETITION
Filed: December 21, 2007 : TO WITHDRAW
Attorney Docket No. **105942-59401** : 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 19, 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 the Customer Number 26345 has been revoked by the applicants of the patent application on August 11, 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: THE NATH LAW GROUP
112 South West Street
Alexandria VA 22314

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HOXIE & ASSOCIATES LLC
75 MAIN STREET, SUITE 301
MILLBURN NJ 07041

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APR 20 2011

OFFICE OF PETITIONS

In re Application of :
Martin Bolli et al :
Application No. 11/993,563 : DECISION ON PETITION
Filed: December 21, 2007 :
Attorney Docket No. AC-58-US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 28, 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 the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed October 1, 2010, is accepted as having been unintentionally delayed.

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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BOHAN MATHERS
PO BOX 17707
PORTLAND ME 04112-8707

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PCT LEGAL ADMINISTRATION

In re Application of	:	
TAVSANLI et al.	:	
Application No.: 11/993,569	:	DECISION
PCT No.: PCT/DE2006/001053	:	
International Filing Date: 20 June 2006	:	
Priority Date: 22 June 2005	:	
Attorney Docket No.: 07-152	:	
For: MULTI-LAYER FILM COMPRISING A BARRIER LAYER AND AN ANTISTATIC LAYER	:	

This decision is in response to applicants' petition under 37 CFR 1.181 filed 20 July 2011.

BACKGROUND

On 20 June 2006, applicants filed international application PCT/DE2006/001053, which designated the U.S. and claimed a priority date of 22 June 2005. The thirty-month period for paying the basic national fee in the United States expire at midnight on 26 December 2007 (22 December 2007 being a Saturday and 25 December 2007 being a Federal holiday).

On 21 December 2007, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 21 March 2008, applicants filed, *inter alia*, a declaration of inventors.

On 28 October 2009, a Filing Receipt and a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) according the application a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of 21 March 2008 were issued.

On 07 March 2011, the USPTO issued a first Office Action on the merits.

On 15 February 2011, applicant filed the instant petition.

DECISION

The first Office Action issued 07 March 2011 indicated in paragraphs 24-27 that (1) applicant failed to meet the requirements of 37 CFR 1.495(b) because a copy of the international application was not received by the United States Designated/Elected Office (DO/EO/US) until 30 May 2008, which is greater than thirty months from the priority date, and (2) if applicant did request the transmittal of the international application from the International Bureau (IB), then applicant was required to provide a copy of the confirmation letter (Form PCT/IB/308) from the IB in order to obtain the benefit of the international filing date.

The petition effectively requests that paragraphs 24-27 of the Office Action issued 07 March 2011 be withdrawn.

(It is noted that the objection/rejection in paragraphs 24-27 of the Office Action issued 07 March 2011 was not repeated in the Office Action issued 31 October 2011. Thus, the objection/rejection is considered withdrawn. Nevertheless, the petition is answered to, *inter alia*, clarify the record.)

A copy of international application PCT/DE2006/001053 was communicated by the IB to the USPTO on 28 December 2006, the day on which the international application published. As noted in MPEP § 1893.01(a), a "copy of the international application is provided to the U.S. Designated or Elected Office by the International Bureau (the copy is ordinarily communicated to the Office on the day of publication of the international application at about 18 months from the priority date). The International Bureau also mails a confirmation (Form PCT/IB/308) to applicant upon which applicant can rely that the copy has been provided. This confirmation constitutes conclusive evidence of transmission of the international application" (emphasis added). If for some reason, the USPTO is not satisfied that a copy of the international application was provided to the DO/EO/US at this time, it is the duty of the USPTO, not the applicant, to obtain Form PCT/IB/308 from the IB. In the instant case, there is no reason to suspect that the international application was not transmitted by the IB on the day of publication. Accordingly, contrary to the Office Action issued 07 March 2011, 37 CFR 1.495(b)(1) has been satisfied.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

The period for reply set forth in the Office Action mailed 31 October 2011 continues to run.

/Daniel Stemmer/

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Legal Examiner
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Office of Patent Cooperation Treaty
Legal Administration
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24 SEP 2010

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American Air Liquide, Inc.
Intellectual Property Dept.
2700 Post Oak Boulevard
Suite 1800
Houston TX 77056

In re Application of :
DUSSARRAT, Christian et al. :
Application No.: 11/993,570 :
PCT No.: PCT/EP2005/008196 :
Int. Filing Date: 29 June 2005 : DECISION
Priority Date: None :
Attorney Docket No.: Serie 6908 :
For: DEPOSITION METHOD OF :
TERNARY FILMS :

This decision is in response to applicants' request filed with the United States Patent and Trademark Office on 19 July 2010.

BACKGROUND

On 17 November 2009, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 07 January 2010, applicants filed a three language declaration, executed by the three inventors.

On 21 January 2010, the Office mailed Notification of Acceptance (Form PCT/DO/EO/903) indicating that the requirements of both 35 USC 371(c)(1), (c)(2) and (c)(4) and all of 35 USC 371 were satisfied on 07 January 2010.

On 19 July 2010, applicants filed a request under 37 CFR 1.497(d) to correct the inventorship by removing Julien Gatineau as an inventor.

DISCUSSION

The declaration supplied on 07 January 2010 contains foreign language text, but it is not a USPTO form and is not accompanied by a statement that the English text is an accurate translation of the foreign text. See 37 CFR 1.69. As such, it did not comply with USPTO requirements. The Notification of Acceptance indicating that all the requirements to enter national phase had been satisfied issued in error and is **VACATED**.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) have been satisfied.

Item (3) has not been satisfied. Applicants have not furnished written consent of the assignee in compliance with 37 CFR 3.73.

CONCLUSION

For the above reasons, applicants' request under 37 CFR 1.497(d) is **REFUSED**.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed 21 January 2010 is **VACATED**.

An oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available. Failure to timely reply will result in the abandonment of this application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

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PCT LEGAL ADMINISTRATION

American Air Liquide, Inc.
Intellectual Property Dept.
2700 Post Oak Boulevard
Suite 1800
Houston TX 77056

In re Application of :
DUSSARRAT, Christian et al. :
Application No.: 11/993,570 :
PCT No.: PCT/EP2005/008196 :
Int. Filing Date: 29 June 2005 : DECISION
Priority Date: None :
Attorney Docket No.: Serie 6908 :
For: DEPOSITION METHOD OF :
TERNARY FILMS :

This decision is in response to applicants' renewed request filed with the United States Patent and Trademark Office on 24 January 2011.

BACKGROUND

On 24 September 2010, the Office mailed Decision, refusing applicants' request and setting a two month period for reply.

On 24 January 2011, applicants filed a renewed request under 37 CFR 1.497(d) to correct the inventorship by removing Julien Gatineau as an inventor.

DISCUSSION

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) have been satisfied.

Item (3) has now been satisfied. Applicants have not furnished written consent of the assignee in compliance with 37 CFR 3.73.

Applicants have not yet furnished a new oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicants' request under 37 CFR 1.497(d) is **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision, including mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497(a)-(b).

/Erin P. Thomson/

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/993,622	12/21/2007	Se In Yang	930086-2076	8659

20999 7590 06/07/2011

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER	
GRESO, AARON J	

ART UNIT	PAPER NUMBER
1763	

MAIL DATE	DELIVERY MODE
06/07/2011	PAPER

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

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

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wk

Mailed: 6/7/11

In re application of :
Yang et al. : DECISION ON
Serial No. 11/993,622 : PETITION
Filed: December 21, 2007 :
For: **NON-AQUEOUS LIQUID OXYGEN BLEACH COMPOSITION**

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on March 18, 2011 to withdraw the Finality of the Office Action mailed March 9, 2011.

Applicant's response of January 3, 2011 addressed all of the rejections of record and canceled claims 2 and 15 and amended claim 1. Claims 15 originally depended from claim 2 or claim 3 and had the additional limitation "where in the rheological stabilizer is selected from the group consisting of benzoic acid and derivatives of benzoic acid and mixtures thereof". Claim 2 had the language "where in the stabilizer is selected from the group consisting of a peroxygen compound stabilizer, a rheological stabilizer and a mixture thereof". Claim 1 was amended to remove" stabilizer" and replaced it with "benzoic acid as a rheological stabilizer".

A Markush-type claim recites alternatives in a format such as "selected from the group consisting of A, B and C." See *Ex parte Markush*, 1925 C.D. 126 (Comm'r Pat. 1925). The members of the Markush group (A, B, and C in the example above) ordinarily must belong to a recognized physical or chemical class or to an art-recognized class. If the members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner must examine all the members of the Markush group in the claim on the merits, even though they may be directed to independent and distinct inventions.

The final rejection of March 9, 2011 introduced a new 35 USC 103 rejection of claims 1,3-10, 12-14 and 16-20 using Parry in view of Vermeer and Brand van Dijk. The new reference, Brand van Dijk, was cited for its teaching of benzoic acid. The Examiner asserted that Applicant's amendment necessitated the new grounds of rejection. Claim 15 was previously rejected under 35 USC 103 by Parry as evidenced by Vermeer. Applicants assert the new amendment served to narrow the scope of the claims under consideration and did not introduce new limitations which were previously disclosed in the claims.

Under present practice, second or any subsequent actions on the merits shall be final, except where the Examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

Applicant's amendment narrowed the scope of the claims under consideration and did not introduce limitations which were not previously disclosed in the claims. The Examiner noted that benzoic acid was identified as a Markush group member. The Examiner also noted that to further prosecution the term "and a mixture thereof" is taken to indicate a mixture of benzoic acid and a benzoic acid

derivative. The derivative being any with a benzoic acid moiety atomically bound, in any location, to any other moiety. A search of the claims should have included the element of benzoic acid as a rheological stabilizer.

DECISION

The petition is **GRANTED**.

The finality of the March 9, 2011 action is withdrawn. The period for response will continue run from the mail date of March 9, 2011.

/Yvonne Eyler/
Director, Technology Center 1700

Yvonne L. Eyler, Director
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Howard C. Lee
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PCT LEGAL ADMINISTRATION

In re Application of: ASAKA, Kotaro, et al.
U.S. Application No.: 11/993,646
PCT No.: PCT/JP2006/312142
International Filing Date: 16 June 2006
Priority Date: 30 June 2005
Attorney's Docket No: 317874US8PCT
For: INFORMATION PROCESING DEVICE, INFORMATION PROCESSING METHOD, AND INFORMATION PROCESSING PROGRAM

DECISION
(37 CFR 1.182)

This decision is issued in response to applicants' "Response To Notice Of Missing Requirements" filed 03 June 2010. The response is treated herein as a petition under 37 CFR 1.182 requesting acceptance of an English translation of the specification that contains foreign language text. Deposit Account No. 15-0030 will be charged the applicable $400 petition fee.

BACKGROUND

On 16 June 2006, applicants filed international application PCT/JP2006/312142. The application claimed a priority date of 30 June 2005, and it designated the United States. On 11 January 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 30 December 2007.

On 21 December 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an executed declaration, and a purported English translation of the international application.

On 08 March 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an English translation of the international application as filed and the processing fee for filing the English translation later than thirty months after the priority date. The Notification indicated that the previously filed translation was defective because the text of the drawings had not been translated and because the specification contained foreign text that had not been translated into English.

On 03 June 2010, applicants filed the "Response To Notice Of Missing Requirements" considered herein as a petition under 37 CFR 1.182.

DISCUSSION

Applicants' 03 June 2010 response to the Notification Of Missing Requirements was accompanied by revised drawings in which the foreign text had been translated into English; however, the response did not include a revised specification containing a translation of the foreign text contained therein. Rather, the response argues that "the appearance of foreign text throughout the specification is necessary to properly describe the embodiments of the present application" and that a translation of the foreign text in the specification should therefore not be required.

The present record is insufficient to support a conclusion that the English translation of the specification should be accepted without translation of the foreign text remaining therein. Applicants' assert that the foreign text is necessary to describe the embodiments of the invention; however, applicants have now submitted drawings in which the remaining foreign text has been translated. If the foreign text remaining in the drawings may be translated without compromising the description of the embodiments of the invention, it is unclear why the foreign text remaining in the specification cannot also be translated.

The present translation of the specification (containing foreign text) may not be accepted under 35 U.S.C. 371(c)(2) and 37 CFR1.495(c)(1)(i) without a more detailed explanation from applicants demonstrating to the satisfaction of the Office that the foreign text in the specification is necessary to properly describe the embodiments of the present invention. Any such submission must explain why the foreign text in the drawings may be appropriately translated without effecting the description of the invention while the foreign text in the specification may not.

CONCLUSION

The petition under 37 CFR 1.182 for acceptance of an English translation of the specification containing foreign text is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182" and must include the additional materials required for a grantable petition, as discussed above, that is, an acceptable showing that the foreign text in the specification is in fact necessary to properly describe the embodiments of the present invention. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

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PCT LEGAL ADMINISTRATION

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

In re Application of: ASAKA, Kotaro, et al.
U.S. Application No.: 11/993,646
PCT No.: PCT/JP2006/312142
International Filing Date: 16 June 2006
Priority Date: 30 June 2005
Attorney's Docket No: 317874US8PCT
For: INFORMATION PROCESING DEVICE, INFORMATION PROCESSING METHOD, AND INFORMATION PROCESSING PROGRAM

DECISION ON RENEWED PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Renewed Petition Under 37 C.F.R. § 1.182" filed on 28 February 2011. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision issued on 30 December 2010. The decision dismissed without prejudice applicants' petition under 37 CFR 1.182 for acceptance of an English translation of the international application containing non-translated foreign text, finding that further explanation was required as to why the foreign text in the specification is necessary to properly describe the embodiments of the present invention.

On 28 February 2011, applicants filed the renewed petition considered herein.

DISCUSSION

The present renewed petition includes an explanation from applicants as to why the foreign text in the specification is necessary to properly describe the embodiments of the present invention. The renewed petition also notes that the specification includes parenthetical translations of the respective foreign terms, and it notes that the Japanese terms in the specification were not shown in the drawings for which English translations were provided.

The present submission provides an acceptable explanation as to why the foreign text in the specification is necessary to properly describe the embodiments of the present invention. Accordingly, based on applicants' statements in the present petition, the corrected English translation of the international application filed on 03 June 2010 may be accepted in compliance with 35 U.S.C. 371(c)(2) and 37 CFR 1.495(c)(1)(i).

CONCLUSION

The renewed petition under 37 CFR 1.182 for acceptance of an English translation of the specification containing foreign text is **GRANTED**.

The corrected English translation of the international application filed herein on 03 June 2010 is accepted despite the presence of foreign text, which applicants assert is necessary to properly describe the embodiments of the present invention.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 03 June 2010.

/RichardMRoss/

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27 SEP 2010

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

In re Application of	:
DEPPISCH (Deceased)	: DECISION ON
Serial No.: 11/993,663	:
PCT No.: PCT/SE06/00683	: DECLARATION
Int. Filing Date: 12 June 2006	:
Priority Date: 23 June 2005	: UNDER 37 CFR 1.42
Atty. Docket No.: 1061.0002	:
For: IMPLANTABLE ACCESS DEVICE AND METHOD FOR PREPARING THEREOF	:

This is a decision on applicant's "Response to Decision on Declaration under 37 CFR 1.42", which was filed in the United States Patent and Trademark Office on 11 August 2010.

BACKGROUND

On 21 December 2006, applicant filed a transmittal Letter requesting entry into the U.S. national stage for PCT/SE06/00683, along with the basic national fee.

On 17 March 2010, a Notification of Missing Requirements was mailed to applicant, indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required. In response, on 11 May 2010, applicant filed an executed declaration and the $130 surcharge. On 15 June 2010, a decision was mailed indicating that applicant had not fulfilled the requirements of 37 CFR 1.42 and 1.497(b). It was unclear whether Doris Deppisch is the only heir of deceased inventor Deppisch.

DISCUSSION

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal

representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative. The declaration must also state the citizenship, residency and last mailing address of the deceased inventor to comply with 37 CFR 1.497(a)(3).

The executed declaration submitted on 11 August 2010, identified the deceased inventor Reinhold Deppisch and identified Doris Deppisch as the legal representative of the deceased inventor. The requirements of 37 CFR 1.497 (a) and (b) have now been met and the declaration is acceptable as filed at this time. Accordingly, it is appropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 and 37 CFR 1.497(b) is **GRANTED.**

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 11 August 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
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25 AUG 2010

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55392
WOMBLE CARLYLE SANDRIDGE & RICE
P.O. Box 7037
Atlanta, GA 30357-0037

In re Application of
SALA *et al*
U.S. Application No.: 11/993,725
PCT No.: PCT/US2006/025534
Int. Filing Date: 29 June 2006
Priority Date: 01 July 2005
Attorney Docket No.: 038867/338235
For: HERBICIDE-RESISTANT SUNFLOWER PLANTS, POLYNUCLEOTIDES ENCODING HERBICIDE-RESISTANT ACETOHYDROXYACID SYNTHASE LARGE SUBUNIT PROTEINS, AND METHODS OF USE

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47 filed 18 June 2010.

BACKGROUND

On 18 December 2009, the Office mailed a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b), extra page fees, and a surcharge fee were required. Applicants were given two months to respond with extensions of time available.

On 18 June 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a $130.00 petition fee; a $130.00 surcharge fee; a $270.00 fee for excess pages; a four-month extension fee of $1,730.00; a declaration signed by four of the five named inventors; and a statement of facts by Scott Dominy.

DISCUSSION

In response to the Form PCT/DO/EO/905, applicants filed the subject petition under 37 CFR 1.47(a) for Adriana Mariel ECHARTE, who is deceased.

Petitioners claim that the legal representative of the non-signing inventor's estate could not be ascertained after a diligent effort. A statement of facts by Scott Dominy listing several attempts made to determine the legal representative of Ms. ECHARTE

was submitted.

However, a petition under 37 CFR 1.47(a) is not appropriate at this time. The declaration should be submitted under 37 CFR 1.42.[1] Petitioners must have a legal representative for the deceased inventor appointed by an Argentinian court, or locate the heir(s) of the deceased inventor.[2]

Applicants may contact the undersigned at the telephone number below for further guidance.

CONCLUSION

For the reason discussed above, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

It is noted that the 37 CFR 1.47(a) applicants submitted a $130.00 petition fee. The petition fee is $200.00 pursuant to 37 CFR 1.17(g). Nonetheless, this fee is not required at this time and has been credited back to Deposit Account No. 09-0528.

If reconsideration of this decision is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

---

[1] A petition under 37 CFR 1.47(a) would be applicable if the legal representative is a known person and then refuses to cooperate after being contacted, or cannot be located after a diligent effort.

[2] If the 37 CFR 1.47(a) applicants are unable to comply, a petition under 37 CFR 1.183 to waive the rules may be appropriate, depending upon the circumstances.

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Atlanta, GA 30357-0037

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MAY 12 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SALA *et al* :
U.S. Application No.: 11/993,725 :
PCT No.: PCT/US2006/025534 :
Int. Filing Date: 29 June 2006 :
Priority Date: 01 July 2005 :
Attorney Docket No.: 038867/338235 : **DECISION**
For: HERBICIDE-RESISTANT :
SUNFLOWER PLANTS, :
POLYNUCLEOTIDES ENCODING :
HERBICIDE-RESISTANT :
ACETOHYDROXYACID SYNTHASE :
LARGE SUBUNIT PROTEINS, AND :
METHODS OF USE :

This decision is in response to applicants' renewed petition under 37 CFR 1.42 filed 21 February 2011.

BACKGROUND

On 25 August 2010, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 21 February 2011, applicants filed the subject response under 37 CFR 1.42 which was accompanied by, *inter alia*, an executed declaration and a four-month extension and fee.

DISCUSSION

In the prior decision, it was noted that a petition under 37 CFR 1.47(a) was not appropriate until a legal representative of a deceased inventor (Adriana Mariel ECHARTE) is determined.

In the subject response, applicants state that Carlos Sala (the first named inventor) is the spouse of the deceased inventor and has executed the declaration on her behalf and for himself.

37 CFR 1.42 states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

37 CFR 1.497(a)(3) requires that the name and citizenship of each inventor (including the deceased inventor) be listed on the declaration. 37 CFR 1.497(b)(2) states that the citizenship, residence, and mailing address of the legal representative of an inventor must also be recorded on the declaration.

Here, the information for the deceased inventor is properly recorded on the declaration. Moreover, the information required for the legal representative, Carlos Alberto SALA, is already recorded on the declaration.

The declaration filed 21 February 2011 is in compliance with 37 CFR 1.497(a) and (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 29 June 2006 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 21 February 2011.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

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MARSH, FISCHMANN & BREYFOGLE LLP
8055 East Tufts Avenue
Suite 450
Denver CO 80237

MAILED

AUG 09 2011

OFFICE OF PETITIONS

In re Patent No. 7914730 :
Issue Date: 03/29/2011 :
Application No. 11/993733 : ON PETITION
Filed: 12/21/2007 :
Attorney Docket No. 23937US CCA 2 SDV :

This is a decision on the petition under 37 CFR 3.81(b) filed April 18, 2011.

Patentees request correction of the front page of the Letters Patent to include the correct assignee data via Certificate of Correction. With the present request, patentees submitted a completed Certificate of Correction form and paid the requisite fees. Furthermore, it is noted that the assignment was recorded with the USPTO prior to the issuance of the patent.

In view of the above, the request under 37 CFR 3.81(b) to correct the assignee data is GRANTED.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction as to the assignment information.

C. A Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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ALEXANDRIA VA 22314

MAILED
APR 27 2011
OFFICE OF PETITIONS

In re Patent No. 7,927,039 :
Issue Date: April 19, 2011 :
Application No. 11/993,771 : ON PETITION
Filed: August 27, 2008 :
Attorney Docket No. TUR-204 :

This is a decision on the petition filed March 25, 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 undersigned at (571) 272-3230. 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.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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

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23 SEP 2010

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PHOENIX AZ 85016-7234

In re Application of	:	DECISION ON
KESKIN et al	:	
Application No: 11/993,791	:	
PCT No.: PCT/IB2006/052058	:	
Int. Filing Date: 23 June 2006	:	PETITION UNDER
Priority Date: 24 June 2005	:	
Attorney's Docket No.: PHDL0860-020	:	
For: A HOUSEHOLD... COMPENSATION DEVICE	:	37 CFR 1.47(a)

This is in response to the "PETITION PURSUANT TO 37 CFR 1.47(a)" filed on 25 July 2010. The $200.00 petition fee has been paid.

BACKGROUND

On 21 December 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. An executed declaration only identifying co-inventor KESKIN was filed at such time.

On 25 May 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905).

On 25 July 2010, petitioner filed the present petition accompanied, inter alia, an executed Declaration without the signature of one of the co-inventors, i.e., without the signature of Pelin SARI.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

REFUSAL TO JOIN:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the **37 CFR 1.47** applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See **MPEP § 106**. 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 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has satisfied items (1), (3) and (4) of 37 CFR 1.47(a). However, item (2) of 37 CFR 1.47(a) has not been satisfied.

Regarding item (1), the petitioner has paid the petition fee of $200 under 37 CFR 1.17(g).

Regarding item (2), although the statement by Oguzczn Keskin states that the petition is accompanied by proof of pertinent facts" no such facts and evidence has been provided in the filed petition. For example, petitioner has not provided the cover letter mailed with the application papers, and has not included documentary evidence such as a signed receipt acknowledging that the papers were delivered at Sari's home address.

Also, if the Office is being asked to accept the silence of the nonsigning inventor's as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant. Absent further firsthand evidence that the application and request for signature were received by the nonsigning inventor, item (2) cannot be considered satisfied.

If Sari does not reside there, then petitioner is under an obligation to try to find or reach Sari. Where there is an inability to find or reach a joint inventor "after diligent effort, " petitioner may file a statement of facts that fully describes the exact facts which are relied on to establish that a diligent effort was made under **37 CFR 1.47**.

Regarding item (3), petitioner has provided an affirmative statement of the last known address of the missing joint inventor, Pelin SARI.

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Sedir Apt.,
Karakusunlar, 06530
Ankara, Turkey

Regarding time (4), petitioner has provided a properly executed declaration under 37 CFR 1.47(a)

Consequently, at this time it can not be concluded that SARI has refused to sign the documents based on the evidence provided.

Accordingly, the petition has not met all the items under 37 CFR 1.47(a).

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
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JAN 14 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
KESKIN et al	:	
Application No: 11/993,791	:	
PCT No.: PCT/IB2006/052058	:	
Int. Filing Date: 23 June 2006	:	PETITION UNDER
Priority Date: 24 June 2005	:	
Attorney's Docket No.: PHDL0860-020	:	
For: A HOUSEHOLD... COMPENSATION DEVICE	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 23 November 2010.

BACKGROUND

In a decision from this Office on 23 September 2010, the petition filed on 25 July 2010 was dismissed. The decision indicated that petitioner failed to meet item (2) under 37 CFR 1.47(a).

On 23 November 2010, petitioner submitted a renewed petition.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Petitioner has still not satisfied item (2) of 37 CFR 1.47(a).

Regarding item (2), petitioner has still not met this requirement because it appears a complete copy of the application papers (as specified by the cover letter) was not mailed to joint inventor Pelin SARI as the cover letter (exhibit A) only refers to the assignment and declaration and it is unlclear what "Patent'in PCT basvurusu" refers to. Also, the package did appeared to be SARI as the statements provided by Mr. Logan indicates that the return envelope translates to "searched with the address, moved."

Where the Office is being asked to accept the silence of the nonsigning inventors' as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicants. Absent further firsthand evidence that the application and request for signature were received by the nonsigning inventors, item (2) cannot be considered satisfied.

As Mr. SARI does not reside in his last known addresses, then petitioner is under an obligation to try to find or reach them. Where there is an inability to find or reach a joint inventor "after diligent effort, " petitioner may file a statement of facts that fully describes the exact facts which are relied on to establish that a diligent effort was made under **37 CFR 1.47**.

Although Mr. Logan states that the Turkish associate attorneys made attempts to find M. Sari in Ankara and searched the telephone directory of Turk Telekon, it is unclear what other attempts were made by the Turkish associates. Mr. Logan has not shown that petitioner has searched for the above non-signing inventor's new address by using a broad search in the internet (google, yahoo or a Turkish equivalent for the area of Turkey), and contacted former co-workers and the human resource office for Mr. SARI possible whereabouts, which would show diligent effort to try find him. Rather, petitioner appears to have limited the search only to a phone directory for Ankara.

Moreover, it was not Mr. Logan who performed the actions listed in the petition (section B) and the person who attempted to find Mr. SARI, and has first hand knowledge of those facts as required by MPEP Section 409.03(d). Because Mr. Logan was not the person who performed the actions listed, petitioner will need to submit statements, with specific facts on the actions referred in the petition by the persons (Turkish associates) who have first-hand knowledge of such facts.

Accordingly, at this time it can not be concluded that the nonsigning inventor Mr. SARI could not be reached after diligent effort as stipulated under 37 CFR 1.47(a).

Consequently, the petition does not satisfy all the items under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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In re Application of	:	DECISION ON RENEWED
KESKIN et al	:	
Application No: 11/993,791	:	MAILED
PCT No.: PCT/IB2006/052058	:	
Int. Filing Date: 23 June 2006	:	PETITION UNDER MAY 11 2011
Priority Date: 24 June 2005	:	
Attorney's Docket No.: PHDL0860-020	:	PCT LEGAL ADMINISTRATION
For: A HOUSEHOLD... COMPENSATION DEVICE	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 14 March 2011.

BACKGROUND

In a decision from this Office on 14 January 2011, the petition was dismissed. The decision stated that petitioner had not provided corroborating evidence for the inability to locate the nonsigning co-inventor, Mr. Sari.

On 14 March 2011, petitioner filed the present renewed petition accompanied with corroborating evidence in the diligent effort to locate co-inventor Mr. Sari.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Petitioner has now satisfied items (1) - (4) of 37 CFR 1.47(a).

The statements of Mr. Logan is sufficient to show diligent effort to locate non-signing inventor Mr. Sari because internet and phone directory searches were conducted on Yahoo-Turkey directory and Turk Telekon, respectively but were unsuccessful in terms of discovering any new relevant address information about the non-signing co-inventor.

Accordingly, the actions enumerated by Mr. Logan are sufficient to establish that the non-signing co-inventor Mr. Pelin Sari could not be found or reached after diligent effort.

Petitioner has satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **25 July 2010.**

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

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Pelin Sari
332 Sokak, No: 3/13
Sedir Apt.,
Karakusunlar, 06530
Ankara, Turkey

MAILED

MAY 11 2011

PCT LEGAL ADMINISTRATION

In re Application of
KESKIN et al
Application No: 11/993,791
PCT No.: PCT/IB2006/052058
Int. Filing Date: 23 June 2006
Priority Date: 24 June 2005
Attorney's Docket No.: PHDL0860-020
For: A HOUSEHOLD... COMPENSATION DEVICE

Dear: Sari,

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Rafael Bacares
PCT Legal Examiner
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VENABLE, CAMPILLO, LOGAN & MEANEY, P.C.
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Decision Date : November 14,2011

In re Application of :

Bandi Parthasaradhi Reddy

Application No : 11993820

Filed : 21-Dec-2007

Attorney Docket No : H1089/20066

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed November 14,2011

The request is **APPROVED.**

The request was signed by Joseph F. Murphy (registration no. 58313) on behalf of all attorneys/agents associated with Customer Number 03000 . All attorneys/agents associated with Cusotmer Number 03000 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	Hongmei Maggie Sheridan, J.D., M.S.
Name2	Director, IP Management, Hetero, USA
Address 1	1035 Centennial Ave
Address 2	
City	Piscataway
State	NJ
Postal Code	08854
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 **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	11993820
Filing Date	21-Dec-2007
First Named Inventor	Bandi Parthasaradhi Reddy
Art Unit	1628
Examiner Name	TIMOTHY THOMAS
Attorney Docket Number	H1089/20066
Title	NOVEL CRYSTALLINE FORMS OF ATOVAQUONE

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 03000

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

10.40(c)(5)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Hongmei Maggie Sheridan, J.D., M.S. Director, IP Management, Hetero, USA
Address	1035 Centennial Ave
City	Piscataway
State	NJ
Postal Code	08854
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Joseph F. Murphy/
Name	Joseph F. Murphy
Registration Number	58313

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SAN FRANCISCO CA 94111-3834

MAILED

JUL 18 2011

OFFICE OF PETITIONS

In re Application of :
Matteucci, et al. :
Application No. 11/993,822 : ON APPLICATION FOR
Filed: August 28, 2009 : PATENT TERM ADJUSTMENT
Atty Docket No. 87416-740919 (006110US) :

This is in response to the "PETITION UNDER 37 CFR 1.10(d) TO CORRECT 35 U.S.C. 371 FILING DATE and REQUEST FOR RECONSIEDRATION OF PATENT TERM ADJUSTMENT UNDRE 37 CFR 1.705(b)" filed May 27, 2011. Applicants request that the determination of patent term adjustment be corrected from zero (0) days to at least six hundred and eighty-two (682) days. Applicants request this correction, in part, on the basis that the Office will take in excess of three years to issue this patent and in light of the recent court decision in Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008).

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

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

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

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

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

Relative to applicants' argument that the period of adjustment for Office delay under 37 CFR 1.702(a)(1) and 37 CFR 1.703(a)(1) is 584 days, rather that 0 days, the petition is **DISMISSED.**

Applicants' assert that the date of completion of all 35 U.S.C. 371 requirements is December 21, 2007, rather than August 28, 2009, as determined by the Office. A review of the application

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

file record reveals, and consultation with the PCT Legal Office confirms, that the date of completion of all 35 U.S.C. 371 requirements is August 28, 2009. It is noted that a declaration was received on December 21, 2007. The declaration filed December 21, 2007, was not proper because it did not identify the specification to which it was directed. See 37 CFR 1.497(a)(2). It is further noted that a declaration meeting the requirements of 37 CFR 1.497 was not filed on the international filing date—June 29, 2006—but filed after the international filing date. Thus, the date of completion is the date on which all of the requirements under 35 U.S.C. 371(c) were finally met. In this case, the requirements under 35 U.S.C. 371(c) were finally met on August 28, 2009, with the filing of a declaration meeting the requirements of 37 CFR 1.497. The date of completion for the application is August 28, 2009, and is the date that should be used to calculate the examination delay under 37 CFR 1.703(a)(1).

Pursuant to 37 CFR 1.703(a)(1), the period of adjustment under 37 CFR 1.702(a) is 0 days. Accordingly, the period of adjustment of 0 days remains unchanged.

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

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

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 the 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) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Senior Petitions Attorney
Office of Petitions

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MAILED
SEP 30 2011
OFFICE OF PETITIONS

In re Patent No. 8,003,625	:	DECISION ON REQUEST
Matteucci, et al.	:	FOR
Issue Date: August 23, 2010	:	RECONSIDERATION OF
Application No. 11/993,822	:	PATENT TERM ADJUSTMENT
Filed: August 28, 2009	:	and
Atty Docket No. 87416-740919 (006110US)	:	NOTICE OF INTENT TO ISSUE
	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on September 19, 2011, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by eight hundred and twenty-nine (829) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by two hundred and thirty-five (235) days is **GRANTED to the extent indicated herein.**

Patentees' again assert that the date of completion of all 35 U.S.C. 371 requirements is December 21, 2007, rather than August 28, 2009, as determined by the Office. A review of the application file record again reveals, and consultation with the PCT Legal Office confirms, that the date of completion of all 35 U.S.C. 371 requirements is August 28, 2009. It is noted that a declaration was received on December 21, 2007. The declaration filed December 21, 2007, was not proper because it did not identify the specification to which it was directed. Contrary to patentees' assertion, the attorney docket number was not listed in the specification as filed. See 37 CFR 1.497(a)(2).

It is further noted that a declaration meeting the requirements of 37 CFR 1.497 was not filed on the international filing date—June 29, 2006—but filed after the international filing date. Thus, the date of completion is the date on which all of the requirements under 35 U.S.C. 371(c) were finally met. In this case, the requirements under 35 U.S.C. 371(c) were finally met on August 28, 2009, with the filing of a declaration meeting the requirements of 37 CFR 1.497. The date of completion for the application is August 28, 2009, and is the date that should be used to calculate the examination delay under 37 CFR 1.703(a)(1).

Pursuant to 37 CFR 1.703(a)(1), the period of adjustment under 37 CFR 1.702(a) is 0 days. Accordingly, the period of adjustment of 0 days remains unchanged.

It is noted that patentees argue that the "B" delay period is 245 days rather than 235 days calculated by the Office. Patentees' argument has been considered and is unavailing. The "B" delay period is 235 days. In calculating the "B" delay period, patentee used the date of December 21, 2007, as the date the national stage commenced under 35 U.S.C. 371(b). In an international application, the "B" delay period is based on the failure of the Office to issue a patent within three years after the national stage commenced under 35 U.S.C. 371(b) or (f). See 1.702(b). The priority date of this application is June 29, 2005. The date that is 30 months from the priority date is Saturday, December 29, 2007. As the national stage cannot commence on a weekend or federal holiday, the date the national stage commenced in this application is Monday, December 31, 2007. Thus, "B" delay is 235 days, counting the number of days beginning on January 1, 2011, and ending on August 23, 2011, the date of issuance. See 1.703(b).

It is noted that a reduction to the patent term of 89 days was entered for the filing of a petition under 37 CFR 1.705(b) on May 27, 2011. Pursuant to 37 CFR 1.704(e), the filing of the petition under 37 CFR 1.705(b) will not be considered a failure to engage in reasonable prosecution of the application under 37 CFR 1.704(c)(10). **Accordingly, the period of reduction of 89 days is being removed.**

Patentees' request for treatment of the instant petition under 37 CFR 1.183 is noted. A review of the application file history revealed no extraordinary situation or circumstances that would warranted waiver or suspension of any applicable rule. The request for treatment under 37 CFR 1.183 is being dismissed as moot.

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

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

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

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **two hundred and thirty-five (235) days.**

Telephone inquiries specific to this matter should be directed to Kenya A. McLaughlin, Petitions Attorney at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 8,003,625 B2

DATED : Aug. 23, 2011

INVENTOR(S) : Matteucci, 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 (146) days

Delete the phrase "by 146 days" and insert – by 235 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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Patent No. : 7964321 B2
Application No.: 11/993848
Inventor(s) : Roy et al.
Issued : June 21, 2011
Attorney Docket No.: LAV0506598

Re: Request for Certificate of Correction

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

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1. 17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

By fax: 571-273-0025
ATTN: Office of Petitions

EFS-Web (Web-based Electronic Filing System) accessible through the Electronic Business Center (EBC)

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: 04/03/2012

Address: Nicolas E. Seckel
Patent Attorney
1250 Connecticut Avenue NW, Suite 700
Washington, DC 20036

/ts

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JOSEPH L. STRABALA
LAW OFFICES OF JOSEH L. STRABALA
37768 S. DESERT BLUFF DRIVE
TUCSON AZ 85739

MAILED
MAR 23 2012
OFFICE OF PETITIONS

In re Application of :
Yasui :
Application No. 11/993,864 : DECISION ON PETITION
Filed: December 9, 2009 :
Attorney Docket No. 1865 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 10, 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 May 24, 2011. 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 August 25, 2011. A Notice of Abandonment was mailed December 2, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment and drawings (2) the petition fee of $930.00, and (3) a statement of unintentional delay.

Petitioner has requested the refund of the petition fee. However, 35 U.S.C. 41(a) (7) provides that a petition for the revival of an unintentionally abandoned application or for the unintentionally delayed payment of the issue fee must be accompanied by the petition fee set forth in 37 CFR 1.17(m), unless the petition is filed under 35 U.S.C. 133 or 151 (on the basis of unavoidable delay), in which case the fee is set forth in 37 CFR 1.17(l). Thus, unless the circumstances warrant the withdrawal of the holding of abandonment (i.e., it is determined that the application is not properly held abandoned), the payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of the abandoned application, and cannot be waived.

In addition, the phrase "[o]n filing" in 35 U.S.C. 41(a)(7) means that the petition fee is required for the filing (and not merely the grant) of a petition under 37 CFR 1.137. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition"). Therefore, the Office: (A) will not refund the petition fee required by 37 CFR 1.17(l) or 1.17(m), regardless of whether the petition under 37 CFR

1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee. As such the petition fee will not be refunded.

To the extent petitioner sought to withdraw the holding of abandonment, petitioner failed to provide evidence to warrant the withdrawal of the holding of abandonment. The correspondence mailed on May 24, 2011 was mailed to the correspondence address of record. The May 24, 2011 Office action was returned to the Office as being "not deliverable as addressed unable to forward". It has not been established that the May 24, 2011 was not received due to an untimely change of address. It is noted that a new correspondence address was entered in the record on August 9, 2011. Although petitioner indicates mail was still being received at the San Francisco address, petitioner failed to establish this with evidence and state when he stopped receiving mail at the San Francisco address. As such this petition is grantable solely under 37 CFR 1.137(b).

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

This application is being referred to Technology Center AU 3728 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

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DEC 19 2011

OFFICE OF PETITIONS

In re	: DECISION ON APPLICATION FOR
Application No. 11/993,869	: PATENT TERM ADJUSTMENT
Filed: December 24, 2007	: AND NOTICE OF INTENT
Patent No. 8,025,838	: TO ISSUE
Issued: September 27, 2011	: CERTIFICATE OF CORRECTION

This in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT", filed November 28, 2011. Patentees request that the determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from eight hundred ninety-one (891) (days to nine hundred forty-five (945) days.

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

On September 27, 2011, the above application issued into Patent No. 8,025,838 with a patent term adjustment of 891 days. Patentees timely filed the instant application for patent term adjustment on November 28, 2011 (November 27, 2011 fell on a Sunday).

The Office determined a patent term adjustment of 891 days based on an adjustment for PTO delay of 642 days pursuant to 37 CFR 1.703(a)(1) ("A" delay), and 274 days pursuant to 37 CFR 1.703(b) ("B" delay), reduced by 25 days of overlap between "A" and "B" delay.

Patentees point out that the Office used a filing date of December 27, 2007 as the date used to calculate the 274 days of "B" delay for failure to issue the application within three years. Patentees argue that the Office should have used the date the application was filed under 35 U.S.C. 371(c), December 24,

2007. Specifically, Patentees assert that they filed a complete application on that date, and made an express request to begin national examination procedures by checking box 3 of the application transmittal letter.

Patentees' argument has been considered and found to be persuasive. As such, 37 CFR 1.703(b) delay should have been calculated using the filing date of December 24, 2007, not December 27, 2007, and therefore Office delay should have been calculated as 277 days, not 274 days.

In addition, Patentees also argue that the Office should have used the December 24, 2007 date to calculate 37 CFR 1.703(a)(1) delay, not February 19, 2008 - the date applicants filed a declaration and power of attorney. According to Patentees, while they did file a combined declaration and power of attorney on February 19, 2008, the application as filed on December 24, 2007 contained a proper declaration, and as such, the application was complete on that date.

Patentees' argument has been found to be persuasive. As such, 37 CFR 1.703(a)(1) delay should have been calculated from February 25, 2009 (14 months from the application filing date) to January 21, 2011, a period of 696 days.

In view thereof, the correct determination of patent term adjustment at the time of issuance is **nine hundred forty-five (945)** days (973 (696+277) days of PTO delay reduced by 28 days of overlap between "A" and "B" delay).

Receipt of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged.

The application is being forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **nine hundred forty-five (945) days.**

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

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

DRAFT CERTIFICATE OF CORRECTION

PATENT : 8,025,838 B2

DATED : **September 27, 2011**

INVENTOR(S) : Neirinck, 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 891 days.

Delete the phrase "by 891 days" and insert – by 945 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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Patent Department
Larkin, Hoffman, Daly & Lindgren, Ltd.
1500 Wells Fargo Plaza
7900 Xerxes Avenue South
Bloomington, MN 55431

MAILED

SEP 03 2010

OFFICE OF PETITIONS

In re Application of :
Brandyn B. Phillips :
Application No. 11/993,920 : DECISION ON PETITION
Filed: December 26, 2007 : TO WITHDRAW
Attorney Docket No. 30259.00003 : 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 **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Thomas J. Oppold and all attorneys/agents associated with customer number 23452 has been revoked by the inventor of the patent application on August 11, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: April M. Anderson
Brandyn Phillips
11829 Harvest Lane #6
Edeb Prairie, MN 55347

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/12/11

TO SPE OF : ART UNIT 2834

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/994,020 Patent No. 7,919,895

CofC mailroom date 5/2/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Ernest C. White, LIE

Certificates of Correction Branch

703-756-1814 _____

Thank You For Your Assistance

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

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

Comments: _____

The certificate of correction filed 5/2/11 should be denied entry because the error in the information disclosure statement (IDS) originated from Applicant. In particular, Applicant did not comply with 1.98(b)(1) which states "Each U.S. patent listed in an information disclosure statement must be identified by inventor..." See citation number 1 (i.e. US 5 719 457) of IDS filed 3/13/2008 which was not identified by inventor "Helfer."

/Quyen Leung/ — **SPE**

2834 — **Art Unit**

UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date : 8/11/2011
Patent No. : 7,919,895 B2
Serial No. : 11/994,020
Inventor(s) : Verhoven
Issue Date : April 5, 2011
Title : **SQUIRREL-CAGE ROTOR OF AN ASYNCHRONOUS MACHINE**
Doc./File No. : **VERHOEVEN-2**

Re: Consideration for Certificate of Correction

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

Respecting the alleged error(s) in your request, your request for certificate of correction is hereby denied.

See attached document (PTOL-306) Spe Response form, in the comments section.

Further consideration will be given concerning this matter upon receipt of a request for **Reconsideration** (reconsideration should be accompanied by supporting document(s) such as, amendment, postcard receipt, 1449/892, etc.) 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

HENRY M FEIEREISEN, LLC
HENRY M FEIEREISEN
708 THIRD AVENUE
SUITE 1501
NEW YORK NY 10017

ECW

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JAN 20 2011

OFFICE OF PETITIONS

In re Application of	:	
Gerald LADSTATTER et al.	:	
Application No. 11/994,222	:	DECISION ON PETITION
Filed: March 03, 2008	:	
Attorney Docket No. 27392/31536	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 02, 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 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). 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 24, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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. Accordingly, the reply to the final Office action of April 23, 2010 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

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

Michelle R. Eason
Paralegal Specialist
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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Decision Date : September 22,2011

In re Application of :

DECISION ON PETITION

Li Yi

Application No : 11994298

Filed : 17-Nov-2008

Attorney Docket No : ECSF-0101US

This is an electronic decision on the petition under 37 CFR 1.137(b), filed September 22,2011, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to an Office action. The date of abandonment is the day after the expiration date of the period set for reply in the Office action or action plus any extensions of time actually obtained.

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

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 13223406 filed on 09-01-2011

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

Office of Petitions

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

Electronic Petition Request	**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**
Application Number	11994298
Filing Date	17-Nov-2008
First Named Inventor	Li Yi
Art Unit	1736
Examiner Name	BRIAN WALCK
Attorney Docket Number	ECSF-0101US
Title	Alloys, Bulk Metallic Glass, And Methods Of Forming The Same

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
1. Petition fee;
2. Reply and/or issue fee;
3. Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
4. Statement that the entire delay was unintentional.

Petition fee

The petition fee under 37CFR 1.17(m) is attached.

☒ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☐ Applicant(s) status remains as SMALL ENTITY.

☐ Applicant(s) status remains as other than SMALL ENTITY.

Reply Fee

☒ A reply in the form of a continuing application with serial number 13223406 has been previously filed on 09-01-2011

Terminal disclaimer with disclaimer fee

☒ Terminal disclaimer and fee are not required

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

☐ Terminal disclaimer and fee are attached

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

○ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

○ A sole inventor

○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.

○ A joint inventor; all of whom are signing this e-petition.

○ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Jeffrey J. King/
Name	Jeffrey J. King
Registration Number	38515

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUL 14 2011

OFFICE OF PETITIONS

In re Application of :
Hee Suk Pang et al :
Application No. 11/994,311 : DECISION GRANTING PETITION
Filed: December 28, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 0465-1940PUS1 :

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 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 2626 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT and TRADEMARK OFFICE

0 4 FEB 2010

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

In re Application of	: DECISION ON
Howes et al	:
Application No: 11/994,361	:
PCT No.: PCT/GB2005/002837	:
Int. Filing Date: 21 July 2005	: PETITION UNDER
Priority Date: NA	:
Attorney's Docket No.: 22900-757US1 P11235	: 37 CFR 1.47(a) AND
For: PACKAGING WITH SEALING...	:
FILLING THE PACKAGE	: 37 CFR 1.497(d)

This is in response to the "SECOND RENEWED PETITION UNDER 37 C.F.R. §1.47(a)" filed on 21 October 2009.

BACKGROUND

In a decision from this Office on 09 September 2009, the request under 37 CFR 1.497(d) and the petition under 37 CFR 1.47(a) were dismissed.

On 21 October 2009, petitioner submitted a "second renewed petition under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 09 September 2009 with respect to accepting the above application without the signature of Mr. Andrew Howes, and the deletion of Mr. Steel Hubbard from the executed declaration.

DISCUSSION

REQUEST UNDER 37 CFR 1.497(d):

A review of the renewed request reveals that applicants have satisfied items (1) - (3) of 37 CFR 1.497(d).

In regard to item (3), applicants have provided a copy of the executed assignment to the assignee, Reckitt Benckiser Healthcare (UK). In addition, with respect to the consent of the assignee, Mr. Bowers, contains an affirmative statement that he is authorized to sign on behalf of the assignee, in the revised consent document, and consents to the deletion of co-inventor Steel Hubbard.

Accordingly, the request is deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED.**

PETITION UNDER 37 CFR 1.47(a):

Petitioner has now satisfied item (1) –(4) of 37 CFR 1.47(a).

Regarding requirement (4), petitioner has provided a properly executed declaration as the assignee consents to the deletion of Mr. Steel Hubbard.

Petitioner has now satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED.**

The petition under 37 CFR 1.47(a) is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **11 September 2008.**

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-6312
Facsimile: (571) 273-0459

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

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	11994483
Filing Date	02-Jun-2008
First Named Inventor	Sergey Selifonov
Art Unit	1625
Examiner Name	TAOFIQ SOLOLA
Attorney Docket Number	SGT0004US2
Title	GLYCERYL ETHER COMPOUNDS AND THEIR USE

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	/Leah M. Reimer/
Name	Leah M. Reimer
Registration Number	39341

UNITED STATES 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 22,2011

In re Application of :

Sergey Selifonov

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11994483

Filed : 02-Jun-2008

Attorney Docket No : SGT0004US2

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed June 22,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

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

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

This application file is being referred to Technology Center AU 1625 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MEREDITH & KEYHANI, PLLC
330 MADISON AVE.
6TH FLOOR
NEW YORK, NY 10017

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of :
Christopher Hankinson et al :
Application No. 11/994,490 : DECISION ON PETITION
Filed: January 2, 2008 : TO WITHDRAW
Attorney Docket No. P316944PAT : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed February 14, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that Fariba Sirjani does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

Telephone inquires concerning this decision should be directed to Irvin Dingle at 571-272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Fariba Sirjani
925 Delaware Avenue, Apt. 9C
Buffalo, NY 14209

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MEREDITH & KEYHANI, PLLC
330 MADISON AVE.
6TH FLOOR
NEW YORK NY 10017

MAILED
APR 05 2012
PCT LEGAL ADMINISTRATION

In re Application of :
HANKINSON, et al. :
Application No. 11/994,490 : DECISION ON PETITION
Filed: 27 June 2006 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 15252US(2) :

This is a decision on the Petition to Accept Unintentionally Delayed Benefit Claim, filed 01 December 2011, to accept unintentionally delayed claims to foreign applications and provisional applications and included the surcharge under 37 CFR 1.78. 37 CFR 1.78 applies only to domestic claims in national phase applications and 37 CFR 1.55 does not apply to national phase filings. Further the claims to the foreign applications were made during the international phase, appeared on the international publication and were included on the first filing receipt.

However, the required references to both provisional applications, 60/702,054 and 60/774,440 were not made in accordance with 37 CFR 1.78(a)(5)(i). The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The petition under 37 CFR 1.78(a)(6) must be accompanied by:

(1) the reference required by 119(e) and 37 CFR 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)(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 complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the prior-filed applications has been included in an application data sheet, as provided by 37 CFR 1.78(a)(5)(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 petition for acceptance of an unintentionally delayed claim for the benefit

of priority under 35 U.S.C. 119(e) to the prior-filed applications satisfies the conditions of 37 CFR 1.78(a)(6), the petition is **GRANTED**.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(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. §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 this application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this matter may be directed to Erin Thomson at (571) 272-3292. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

While reviewing the application file, it was noted that an oath or declaration of the inventors was not furnished on 02 January 2008, as is indicated on the Notice of Acceptance (Form PCT/DO/EO/903) mailed 09 June 2008. Further, the signature pages of the declaration form furnished on 22 April 2008 did not include the required declarations. An oath or declaration in compliance with 37 CFR 1.497(a)-(b) was not furnished until 05 December 2011. The Form PCT/DO/EO/903 mailed 09 June 2008 is **VACATED**.

Any questions concerning this decision on petition may be directed to Erin Thomson at (571) 272-3292. This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision, including issuance of a corrected Form PCT/DO/EO/903 and then to the Technology Center 3636 for consideration of the priority claims.

/Bryan Lin/
Bryan Lin
PCT Legal Examiner
PCT LegalAdministration

UNITED STATES PATENT AND TRADEMARK 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.
11/994,495	05/29/2008	Marisa Lin Wong Medina	CHOR-018	9194

24353 7590 07/08/2011

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

EXAMINER	
MARTINELL, JAMES	
ART UNIT	**PAPER NUMBER**
1634	

MAIL DATE	DELIVERY MODE
07/08/2011	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.

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JUL 0 8 2011

In re Application of	:	
Marisa Lin Wong Medina, et al.	:	
Serial No. 11/994495	:	NOTICE OF WITHDRAWAL
Filed: May 29, 2008	:	FROM ISSUE
For: **HMGCR ISOFORMS IN PREDICTION OF EFFICACY AND IDENTIFICATION OF CHOLESTEROL-MODULATING COMPOUNDS**	:	UNDER 37 CFR 1.313 (B)

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CFR 1.313.

The application is being withdrawn to permit reopening of prosecution. The reasons therefore will be communicated to you by the examiner.

PTO records reveal that the issue fee has not been paid. If the issue fee has been submitted, the applicant may request a refund or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a deposit account.

The application is being forwarded to the examiner for action.

George C. Elliott

George C. Elliott, Director
Technology Center 1600

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/994,520	01/03/2008	Masataka Takeuchi	Q89078	9459

23373 7590 09/30/2010
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
WEINER, LAURA S	
ART UNIT	**PAPER NUMBER**
1795	
NOTIFICATION DATE	**DELIVERY MODE**
09/30/2010	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):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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CT

September 29, 2010

In re application of	:	DECISION ON REQUEST TO
Masataka Takeuchi et al	:	PARTICIPATE IN PATENT
Serial No. 11/994,520	:	PROSECUTION HIGHWAY
Filed: January 3, 2008	:	PROGRAM AND
For: METHOD FOR PRODUCING ANODE FOR LITHIUM SECONDARY BATTERY	:	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 July 30, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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, USPTO or KIPO;

(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) Applicant must submit a claims correspondence table in English and all the independent 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;

(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;

(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; and

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.

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 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

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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HONIGMAN MILLER SCHWARTZ & COHN LLP
38500 WOODWARD AVENUE
SUITE 100
BLOOMFIELD HILLS MI 48304-5048

MAILED

AUG 27 2010

OFFICE OF PETITIONS

In re Application of :
Luis Prieto Jimenez :
Application No. 11/994,623 : DECISION ON PETITION
Filed: June 23, 2008 :
Attorney Docket No. 224249-115163 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 8, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed, November 27, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 28, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination, with the required fee of $405, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

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

This application is being referred to Technology Center AU 3767 for appropriate action by the Examiner in the normal course of business on the RCE received July 8, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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Paper No.

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

MAILED

APR 26 2011

OFFICE OF PETITIONS

In re Patent No. 7,888,367	:	DECISION ON REQUEST
Zhou et al.	:	FOR
Issue Date: February 15, 2011	:	RECONSIDERATION OF
Application No. 11/994,633	:	PATENT TERM ADJUSTMENT
Filed: February 22, 2008	:	and
Atty Docket No. 1718-0225PUS1	:	NOTICE OF INTENT TO ISSUE
	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on April 1, 2011, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by five hundred fifty-three (553) days.

Patentee disputes the reduction of 91 days associated with the filing of a request for corrected filing receipt on November 9, 2010. Patentee maintains that the USPTO did not consider the corrected Official Filing Receipt mailed November 12, 2010 in calculating applicant's delay. Patentee maintains that the period of reduction pursuant to 37 CFR 1.704(c)(10) is 4 days, not 91 days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein.** The patent term adjustment is corrected to indicate that the term of the above-identified patent is extended or adjusted by five hundred fifty-seven (557) days.

Patentee's contention is well taken. 37 CFR 1.704(c) provides, in pertinent part, that:

> Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or
>
> examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:
>
> (10) Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:
>
> (i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper; or
>
> (ii) Four months; …

On November 9, 2010, patentee filed the request for corrected filing receipt (including in support thereof an ADS and Oath) and on November 12, 2010, the Office mailed the response. A response was mailed on November 25, 2009. The period of reduction begins on the date of filing of the amendment[1].

Thus, in this instance, the period is 4 days counting the number of days beginning on November 9, 2010 and ending on November 12, 2010. The period of reduction of 91 days is being removed and a period of reduction of 4 days is being entered.

In addition, a review of the record reveals that 3 days, not 8 days, should have been entered for the amendment after allowance filed January 3, 2011. The Office mailed a response to the amendment on January 6, 2011. This 4 day delay is reduced by 1 day for overlap, as a 2-day period of reduction, pursuant to 1.704(b), is already entered for the delay in paying the issue fee on January 3, 2011 (e.g. beginning on January 2 and ending on January 3, 2011).

---

[1] When a period is indicated (in 37 CFR 1.703 or 1.704) as "beginning" on a particular day, that day is included in the period, in that such day is "day one" of the period and not "day zero." For example, a period beginning on April 1 and ending on April 10 is ten (and not nine) days in length. See MPEP 2731

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

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The application is being forwarded to the 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 five hundred fifty **(557)** days.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,888,367 B2

DATED : **February 15, 2011** **DRAFT**

INVENTOR(S) : Zhou 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 465 days

Delete the phrase "by 465 days" and insert – by 557 days--

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)
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 EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	11/994,688	Filing date:	10 June 2008
First Named Inventor:	Martin Sandal NIELSEN		
Title of the Invention:	SYSTEM AND METHOD FOR CONTROLLING AT LEAST ONE DEVICE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/DK2005/000465

The international filing date of the corresponding PCT application(s) is/are: 4 July 2005

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.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	11/994,688
First Named Inventor:	Martin Sandal NIELSEN

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on 24 June 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on 10 June 2008

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
13	1	US claim identical, except modified per U.S. practice.
14	2	US claim identical, except modified per U.S. practice.
15	3	US claim identical, except modified per U.S. practice.
16	4	US claim identical, except modified per U.S. practice.
17	5	US claim identical, except modified per U.S. practice.
18	6	US claim identical, except modified per U.S. practice.
19	7	US claim identical, except modified per U.S. practice.
20	8	US claim identical, except modified per U.S. practice.
21	9	US claim identical, except modified per U.S. practice.
22	10	US claim identical, except modified per U.S. practice.
23	11	US claim identical, except modified per U.S. practice.
24	12	US claim identical, except modified per U.S. practice.
25	13	US claim identical, except modified per U.S. practice.
26	14	US claim identical, except modified per U.S. practice.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Jenae C. Gureff/	Date 2 August 2011
Name (Print/Typed) Jenae C. Gureff	Registration Number 58,500

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.

PATENT COOPERATION TREATY

RECEIVED
- 6 AUG 2007
PATENTGRUPPEN
PCT

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

Patentgruppen ApS
Arosgarden
Aaboulevarden 31
8000 Aarhus C
DANEMARK

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(PCT Rule 71.1)

Date of mailing *(day/month/year)*	03.08.2007
Applicant's or agent's file reference: P 05 079WO	**IMPORTANT NOTIFICATION**

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/DK2005/000465	04.07.2005	

Applicant: VKR HOLDING A/S

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.

2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.

3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

INT
308
Rapp PRP
FRIST: 25/8-07

Name and mailing address of the international preliminary examining authority:

European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Authorized Officer

Corapci, Mustafa

Tel. +31 70 340-2738

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P 05 079WO	**FOR FURTHER ACTION**	See Form PCT/IPEA/416
International application No. PCT/DK2005/000465	International filing date *(day/month/year)* 04.07.2005	Priority date *(day/month/year)*
International Patent Classification (IPC) or national classification and IPC INV. G05B19/042		
Applicant VKR HOLDING A/S		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☒ *sent to the applicant and to the International Bureau)* a total of 3 sheets, as follows:
      ☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

   ☒ Box No. I Basis of the report
   ☐ 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 Article 35(2) 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

Date of submission of the demand	Date of completion of this report
2007-05-03	03.08.2007
Name and mailing address of the international preliminary examining authority: European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized officer MESEGUER MAYORAL, J Telephone No. +31 70 340-3312

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/DK2005/000465

Box No. I Basis of the report

1. With regard to the **language**, this report is based on

   ☒ 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 (under Rules 12.3(a) and 23.1(b))
   - ☐ publication of the international application (under Rule 12.4(a))
   - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

   Description, Pages

   1-14 as originally filed

   Claims, Numbers

   1-14 received on 07.06.2007 with letter of 07.06.2007

   Drawings, Sheets

   1/3-3/3 as originally filed

   ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:
   - ☐ the description, pages
   - ☐ the claims, Nos.
   - ☐ the drawings, sheets/figs
   - ☐ the sequence listing *(specify)*:
   - ☐ any table(s) related to sequence listing *(specify)*:

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
   - ☐ the description, pages
   - ☐ the claims, Nos.
   - ☐ the drawings, sheets/figs
   - ☐ the sequence listing *(specify)*:
   - ☐ any table(s) related to sequence listing *(specify)*:

* *If item 4 applies, some or all of these sheets may be marked "superseded."*

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-14
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-14
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-14
	No:	Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:
   D1: US 2005/046360 A1 (COURTNEY BRIAN ET AL) 3 March 2005

2. **Industrial applicability.**
   The present application relates to a system for controlling at least one device with a plurality of control units.

3. **Independent claim 1.**
   Document D1, which has been considered as the closest prior art, discloses a system for controlling at least one device with all the features in the preamble of claim 1. In addition, the system of D1 also tracks the actual status of the devices to be controlled, so that the behaviour of the device agrees with the behaviour that the device operator expects (*D1, paragraphs 22 and 23*).

   The subject-matter of claim 1 differs from the teaching of document D1 in that, in the claimed system, at least one of the controller units is configured to transmit, to the device to be controlled, a command originator with an identification of a predetermined type of controller unit from which the command originates, and an indication of a period of time, which the system will later use as an expiry timer for the command.

   The above different features provides a controlling of the device that, compared with the prior art, ensures that commands from controller units having a higher priority than others will be executed immediately, while at the same time being able to inform a controller unit operator, in case of a rejection of a control signal of the operated controller unit, of the reasons for which the intended operation of the device is not being executed, and of the time during which the intended operation will be blocked. Thus, the user will not be confused in such situations (*see page 1, line 18 to page 2, line 21 of the description of the application*).

Hence, the objective technical problem to be solved starting out from D1 can be seen as how to provide a controlling system of a device that does not confuse the operator of the control system in case of rejection of a command signal from the controller unit being used by the operator.

A skilled man has no obvious hint in the prior art or in the common knowledge to arrive to the subject-matter of claim 1, starting from D1, the closest prior art. Thus, **claim 1** involves an inventive step in the sense of Article 33 PCT.

3. **Independent claim 8.**
Claim 7 claims a method with features equivalent to the features of the system of claim 1. Thus, the argumentation given for claim 1 (*see point 2 above*) is also valid, mutatis mutandis for independent claim 7.

4. **Claims 2-7 and 8-14** are dependent claims and are referred to further embodiments of the system and method, as given by claims 1 and 7. The dependent claims 2-7 and 8-14 also fulfill the requirements of Article 33 PCT.

5. To meet the requirements of Rule 5.1(a)(ii) PCT, in this case, document D1 should have been identified by the Applicant in the description and the relevant background art disclosed therein should have been briefly discussed.

Amended Patent Claims

1. System for controlling at least one device (2, 3) such as for example an operator for a door, a gate, a window, blinds, shutters, a curtain, an awning or a light source, said system comprising at least a controllable unit (10, 14) associated with said at least one device and a plurality of nodes (12, 16, 19, 20, 22) for transmitting control signals to said at least one controllable unit (10, 14), characterized in that at least one of said plurality of nodes (12, 16, 19, 20, 22) for transmitting control signals is configured for transmitting a command originator and an indication of a period of time, said command originator comprising an identification of a predetermined type of the node (12, 16, 19, 20, 22), from which the signal originates.

2. System according to claim 1, wherein said at least one controllable unit (10, 14) is configured for transmitting information relating to said command originator in response to a received control signal, the execution of which is denied in consequence of a previous control signal, to which the command originator was related.

3. System according to claim 1 or 2, wherein said node (12, 16, 19, 20, 22), from which a denied control signal was transmitted, comprises means for indicating information relating to a command originator, e.g. a visual signal corresponding to the type of the node.

4. System according to claim 1, 2 or 3, wherein said at least one controllable unit (10, 14) is configured for storing information relating to a command originator received with a control signal, and that said at least one controllable unit (10, 14) further is configured for rejecting a control signal originating from a node (12, 16, 19, 20, 22) having a corresponding command originator.

5. System according to one or more of claims 1 - 4, wherein said at least one controllable unit (10, 14) comprises means (32, 40) for storing and handling command originator information.

6. System according to claim 5, wherein said means (32, 40) for storing and handling command originator information comprises timer function means.

7. System according to claim 5 or 6, wherein said means (32, 40) for storing and handling command originator information comprises means for rejecting said stored command originator information at the lapse of said time period indicated by said control signal.

8. Method of operating a device (2, 3) such as for example an operator for a door, a gate, a window, blinds, shutters, a curtain, an awning or a light source, which device is associated with a controllable unit (10, 14), said controllable unit (10, 14) being designed for receiving control signals from a plurality of nodes (12, 16, 19, 20, 22) in a control system and activating said device in accordance with said control signals, characterized in that a command originator is assigned to a control signal, said command originator comprising an identification of a predetermined type of the node (12, 16, 19, 20, 22), from which the signal originates, and in that a corresponding period of time is indicated by said control signal.

9. Method according to claim 8, whereby said at least one controllable unit (10, 14) transmits information relating to said command originator in response to a received control signal, the execution of which is denied in consequence of a previous control signal, to which the command originator was related.

10. Method according to claim 8 or 9, whereby information relating to a command originator, e.g. a visual signal corresponding to the type of the node, is indicated by the node (12, 16, 19, 20, 22), from which a denied control signal was transmitted.

11. Method according to claim 8, 9 or 10, whereby information relating to a command originator received with a control signal is stored by said at least one controllable unit (10, 14), and whereby said at least one controllable unit (10, 14)

further is configured for rejecting a control signal originating from a node (12, 16, 19, 20, 22) having a corresponding command originator.

12. Method according to one or more of claims 8 - 11, whereby said at least one controllable unit (10, 14) comprises means (32, 40) for storing and handling command originator information.

13. Method according to claim 12, whereby said stored command originator information is rejected at the lapse of a time period.

14. Method according to claim 12 or 13, whereby said stored command originator information is rejected at the lapse of said time period indicated by said control signal.

Amended Patent Claims

1. System for controlling at least one device (2, 3) such as for example an operator for a door, a gate, a window, blinds, shutters, a curtain, an awning or a light source, said system comprising at least a controllable unit (10, 14) associated with said at least one device and a plurality of nodes (12, 16, 19, 20, 22) for transmitting control signals to said at least one controllable unit (10, 14), c h a r a c t e r i z e d i n that at least one of said plurality of nodes (12, 16, 19, 20, 22) for transmitting control signals is configured for transmitting a command originator and an indication of a period of time, said command originator comprising an identification of a predetermined type of the node (12, 16, 19, 20, 22), from which the signal originates.

2. System according to claim 1, wherein said at least one controllable unit (10, 14) is configured for transmitting information relating to said command originator in response to a received control signal, the execution of which is denied in consequence of a previous control signal, to which the command originator was related.

3. System according to claim 1 or 2, wherein said node (12, 16, 19, 20, 22), from which a denied control signal was transmitted, comprises means for indicating information relating to a command originator, e.g. a visual signal corresponding to the type of the node.

4. System according to claim 1, 2 or 3, wherein said at least one controllable unit (10, 14) is configured for storing information relating to a command originator received with a control signal, and that said at least one controllable unit (10, 14) further is configured for rejecting a control signal originating from a node (12, 16, 19, 20, 22) having a corresponding command originator.

5. System according to one or more of claims 1 - 4, wherein said at least one controllable unit (10, 14) comprises means (32, 40) for storing and handling command originator information.

6. System according to claim 5, wherein said means (32, 40) for storing and handling command originator information comprises timer function means.

7. System according to claim 5 or 6, wherein said means (32, 40) for storing and handling command originator information comprises means for rejecting said stored command originator information at the lapse of said time period indicated by said control signal.

8. Method of operating a device (2, 3) such as for example an operator for a door, a gate, a window, blinds, shutters, a curtain, an awning or a light source, which device is associated with a controllable unit (10, 14), said controllable unit (10, 14) being designed for receiving control signals from a plurality of nodes (12, 16, 19, 20, 22) in a control system and activating said device in accordance with said control signals, characterized in that a command originator is assigned to a control signal, said command originator comprising an identification of a predetermined type of the node (12, 16, 19, 20, 22), from which the signal originates, and in that a corresponding period of time is indicated by said control signal.

9. Method according to claim 8, whereby said at least one controllable unit (10, 14) transmits information relating to said command originator in response to a received control signal, the execution of which is denied in consequence of a previous control signal, to which the command originator was related.

10. Method according to claim 8 or 9, whereby information relating to a command originator, e.g. a visual signal corresponding to the type of the node, is indicated by the node (12, 16, 19, 20, 22), from which a denied control signal was transmitted.

11. Method according to claim 8, 9 or 10, whereby information relating to a command originator received with a control signal is stored by said at least one controllable unit (10, 14), and whereby said at least one controllable unit (10, 14) further is configured for rejecting a control signal originating from a node (12, 16, 19, 20, 22) having a corresponding command originator.

12. Method according to one or more of claims 8 - 11, whereby said at least one controllable unit (10, 14) comprises means (32, 40) for storing and handling command originator information.

13. Method according to claim 12, whereby said stored command originator information is rejected at the lapse of a time period.

14. Method according to claim 12 or 13, whereby said stored command originator information is rejected at the lapse of said time period indicated by said control signal.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/994,688	06/10/2008	Martin Sandal Nielsen	GRP-0237	1607

23413 7590 08/05/2011

CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER	
NGUYEN, NAM V	
ART UNIT	**PAPER NUMBER**
2612	

NOTIFICATION DATE	DELIVERY MODE
08/05/2011	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):

usptopatentmail@cantorcolburn.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

CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of
NIELSEN et al.
Application No.: 11/994,688
Filed: 10 June 2008
Attorney Docket No.: GRP-0237
For: SYSTEM AND METHOD FOR CONTROLLING AT LEAST ONE DEVICE

: 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 PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 02 August 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, 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;

(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 and a statement that the English translation is accurate if the latest international work product is not in the English language;

(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 PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

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 once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2600

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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1030 15th Street, N.W.
Suite 400 East
Washington DC 20005-1503

MAIL

NOV 17 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
IWASAKI, MASAHIRO et al
Application No. 11/994,748
Filed: January 04, 2008
Attorney Docket No. 2007_2249A

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed September 17, 2010.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO or validly claims benefit under 35 U.S.C. 120 to a PCT application;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO 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 EPO application(s) containing the allowable/patentable claim(s); and
(6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

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

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

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

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
FEB 10 2012
OFFICE OF PETITIONS

In re Application of :
Sathibalan Ponniah, et al. :
Application No. 11/994,794 : ON PETITION
Filed: July 15, 2008 :
Attorney Docket No.: HMJ-114-US :

This is a decision on the petition, filed January 3, 2012, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Corrected Application Papers mailed October 7, 2011, requiring replacement drawings. The Notice set a period for reply of two (2) months from the mail date of the Notice. Accordingly, the application became abandoned on December 8, 2011. A Notice of Abandonment was mailed on December 23, 2011. On January 3, 2012, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of $1,860; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to oversee the review of the drawing filed January 3, 2012 and for processing into a patent.

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

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 04933-P0058A	Application Number (if known): 11/994,805	Filing date: May 7, 2008

First Named Inventor: Anton Bech, et al.

Title: A Wind Turbine Pitch Bearing And Use Hereof

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. **See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /Richard J. Basile/	Date November 4, 2010
Name (Print/Typed) Richard J. Basile	Registration Number 40,501

***Note**: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **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.

PATENT
04933-P0058A RJB/SFB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	Anton Bech, *et al.*
Application No. 11/994,805	Filing Date: May 7, 2008
Title of Application:	A Wind Turbine Pitch Bearing And Use Hereof
Confirmation No. 1450	Art Unit: 3745

Mail Stop Amendment
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Request For Participation In The Green Technology Pilot Program And Petition To Make Special

Filed herewith is form PTO/SB/420 requesting participation in the Green Technology Pilot Program and petitioning to make special U.S. Pat. App. 11/994,805. A supplemental preliminary amendment cancelling claims 17-20, 22, 24, and 26-27 is also submitted.

As amended by the supplemental preliminary submitted herewith, the claims comprise a total of 20 claims with 2 independent claims and no multiple dependent claims. The claims are directed to a single invention that materially contributes to the development of renewable energy resources and, in particular, wind energy. The invention relates a wind turbine pitch bearing.

The required publication fee under 37 C.F.R. 1.18(d) is filed herewith. In addition, the Commissioner for Patents is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 19-4516.

Respectfully submitted,

/Richard J. Basile/

November 4, 2010

Richard J. Basile, Registration No. 40,501
Stephen F. Ball, Registration No. 59,169
Attorneys for Applicants
ST.ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
Tel. 203 324-6155

UNITED STATES PATENT AND TRADEMARK 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.
11/994,805	05/07/2008	Anton Bech	04933-P0058A	1450

24126 7590 11/17/2010

ST. ONGE STEWARD JOHNSTON & REENS, LLC
986 BEDFORD STREET
STAMFORD, CT 06905-5619

EXAMINER	
LOOK, EDWARD K	

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
11/17/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ST. ONGE STEWARD JOHNSTON & REENS, LLC
986 BEDFORD STREET
STAMFORD CT 06905-5619

In re Application of	:	
BECH, ANTON et al	:	DECISION ON PETITION
Application No. 12/994,805	:	TO MAKE SPECIAL UNDER
Filed: May 7, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 04933-P0058A	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed Nov. 4, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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.

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 instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application is being forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

MAILED

FEB 06 2012

OFFICE OF PETITIONS

In re Application of

Nakaya, et al. :

Application No. 11/994,912 : DECISION ON PETITION

Filed: January 7, 2008 :

Attorney Docket No. MFA-130US

This is a decision on the petition under 37 CFR 1.137(b), filed January 16, 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 June 27, 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 September 28, 2011. A Notice of Abandonment was mailed January 10, 2012.

The amendment filed January 16, 2012, is noted.

The application is being forwarded to Technology Center 2100, GAU 2173 for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/995,196	01/09/2008	Jung Hwa Jung	P2764US00	5640

58027 7590 10/13/2010

H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

EXAMINER	
DAVIS, ROBERT B	

ART UNIT	PAPER NUMBER
1791	

NOTIFICATION DATE	DELIVERY MODE
10/13/2010	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENT@PARK-LAW.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

Mailed: October 12, 2010

In re Jung Hwa JUNG
Serial No.: 11/995,196
Filed: January 09, 2008

DECISION ON PETITION
UNDER *37 CFR 1.48(a)*

Title: MOLD FOR FORMING A MOLDING MEMBER AND METHOD OF FABRICATING A MOLDING MEMBER USING THE SAME

This is a decision on the PETITION TO CORRECT INVENTORSHIP IN A NON-PROVISIONAL PATENT APPLICATION filed July 23, 2008 to correct inventorship under 37 CFR 1.48(a) by adding the names of Chung Hoon Lee to the list of inventors of the instant application.

It is noted that the applicant has met the requirements of 37 C.F.R. § 1.48(a) by (1) submitting a request to correct the inventorship that sets forth the desired inventorship change; (2) providing a statement from each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part; (3) providing a declaration of the actual inventors as required by 37 C.F.R. § 1.63; and (4) providing the processing fee set forth in 1.17(i). It is also noted that since no assignment has been executed by the originally named inventors, written assent of assignee is not needed.

The request is **GRANTED**.

The application file is being forwarded to the appropriate section of the Patent and Trademark Office for correction of the record.

/Joseph S. Del Sole /
Joseph S. Del Sole
Supervisory Patent Examiner
Art Unit 1743
Technology Center 1700

H.C. PARK & ASSOCIATE, PLC
8500 Leesburg Pike
Suite 7500
Vienna, VA 22182

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MALLINCKRODT INC.
675 MCDONNELL BOULEVARD
HAZELWOOD MO 63042

MAILED

DEC 13 2010

OFFICE OF PETITIONS

In re Application of :
Raghavan RAJAGOPALAN, et al :
Application No. 11/995,223 : DECISION ON PETITION
Filed: January 10, 2008 :
Attorney Docket No. H-MI-00140 WO/US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 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 March 29, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 30, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (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.

This application is being referred to Technology Center AU 1624 for appropriate action by the Examiner in the normal course of business.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
AUG 22 2011
OFFICE OF PETITIONS

In re Application of :
Masayuki Sakakura, et al :
Application No.: 11/995,224 : ON PETITION
Filed: January 10, 2008 :
Attorney Docket No.: 740756-3151 :

This is a decision on the petition, filed August 19, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 27, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The application is being referred to Technology Center AU 2813 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

00832
BAKER & DANIELS LLP
111 E. Wayne Street
Suite 800
Fort Wayne, IN 46802

MAILED

FEB 07 2011

PCT LEGAL ADMINISTRATION

In re Application of :
TAKENAKA *et al* :
U.S. Application No.: 11/995,235 :
PCT No.: PCT/EP2006/006589 :
Int. Filing Date: 06 July 2006 :
Priority Date: 12 July 2005 :
Attorney Docket No.: ARY0030 :
For: DEVICE FOR VIBRATION-DAMPING FASTENING OF AT LEAST ONE OBJECT TO A SUPPORT ELEMENT :

DECISION

This decision is in response to the "Request for a Correction of Filing Receipt" filed 09 July 2009 and again on 25 November 2009 which is treated as a petition under 37 CFR 1.181 and **GRANTED** as follows:

An executed declaration was submitted on 14 January 2008. Thus, the "Date of Receipt of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements" and the "Date of Completion of all 35 U.S.C. 371 Requirements" on the Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) mailed 07 July 2009 should have been recorded as 14 January 2008 not 14 April 2008. The "Filing or 371(c) Date" on the filing receipt mailed 07 July 2009 should also be recorded as 14 January 2008.

The Form PCT/DO/EO/903 and filing receipt mailed 07 July 2009 are both **VACATED**.

It is also noted that the $130.00 surcharge fee has been refunded as requested by applicants on 11 June 2010. No further action on this request is required.

This application is being forwarded to the DO/EO/US for mailing a Form PCT/DO/EO/903 and filing receipt with the corrections noted above.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : August 25, 2010

TO SPE OF : ART UNIT 3729
SUBJECT : Request for Certificate of Correction for Appl. No/11/995276 pat. 7716824

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

FOR IFW FILES: Chuck "Kyle"

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

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

FOR PAPER FILES:

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

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

Magdalene Talley

Certificates of Correction Branch
571-272-0423 _____

Thank You For Your Assistance

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

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

Comments: None.

/Derris H. Banks\ — 3729

SPE — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HAHN LOESER & PARKS, LLP
ONE GOJO PLAZA
SUITE 300
AKRON, OH 44311-1076

MAILED
JAN 09 2012
OFFICE OF PETITIONS

In re Application of :
Aiden Robert Dear :
Application No.: 11/995,289 : ON PETITION
Filed: January 29, 2008 :
Attorney Docket No.: 208575.00047 :

This is a decision on the petition, filed January 6, 2012, 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 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 3651 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.:06222011

DATE : June 22, 2011

TO SPE OF : ART UNIT 2882

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:

/Edward J Glick/
Supervisory Patent Examiner, Art Unit 2882

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01-07-11

TO SPE OF : ART UNIT 1793

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/995331 Patent No.: 7815849

CofC mailroom date: 12-21-2010

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

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: Applicants' correction merely corrects a mistake in translation or transposition. No new matter is introduced and there is no change in scope or meaning of claims

SPE Art Unit 1733

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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JENKINS WILSON TAYLOR & HUNT, P.A.
3100 TOWER BLVD.
SUITE 1200
DURHAM, NC 27707

MAILED
JUN 13 2011
OFFICE OF PETITIONS

In re Application of :
Yogesh Chunilal Rathod :
Application No. 11/995,343 : DECISION ON PETITION
Filed: January 11, 2008 :
Attorney Docket No. 1731/5 :

This is a decision on the petition under 37 CFR 1.182, filed, April 21, 2011, to change the name of the inventor "Rathod Yogesh Chunilal" to – Yogesh Chunilal Rathod --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Any questions concerning this matter may be directed to Irvin Dingle at (571) 272-3210.

Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

Irvin Dingle
Petition Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/995,343	01/11/2008	2162	9160	1731/5	23	3

CONFIRMATION NO. 7165

CORRECTED FILING RECEIPT

25297
JENKINS, WILSON, TAYLOR & HUNT, P. A.
3100 Tower Blvd.
Suite 1200
DURHAM, NC 27707

Date Mailed: 06/13/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Yogesh Chunilal Rathod, Maharashtra, INDIA;

Power of Attorney: The patent practitioners associated with Customer Number 25297

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/IN2006/000260 07/18/2006

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)
INDIA 878/MUM/2005 07/22/2005

If Required, Foreign Filing License Granted: 08/27/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/995,343**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

A METHOD AND SYSTEM FOR COMMUNICATION, ADVERTISING, SEARCHING, SHARING AND DYNAMICALLY PROVIDING A JOURNAL FEED

Preliminary Class

707

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Yogesh Chunilal Rathod

Group Art Unit: 2162

Serial No.: 11/995,343

Examiner: Alam, Shahid Al

Filed: January 11, 2008

Docket No.: 1731/5

Confirmation No.: 7165

For: UNIVERSAL KNOWLEDGE MANAGEMENT AND DESKTOP SEARCH SYSTEM

* * * * * * * * * * *

PETITION TO CORRECT ORDER OF INVENTOR'S NAME UNDER 37 C.F.R. § 1.182

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

Sir:

Applicants respectfully request that the name of inventor Rathod Yogesh Chunilal be changed to Yogesh Chunilal Rathod as the latter is the correct ordering of the inventor's name, and is consistent with the ordering of the inventor's signature on the Declaration of Inventorship under PCT Rules 4.17(iv) and 51*bis*.1(a)(iv) filed with the subject application.

A statement signed by the inventor concerning the status of his name is attached hereto.

06/13/2011 CKHLOK 00000030 500426 11995343
01 FC:1462 400.00 DA

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. **50-0426**.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

Date: April 21, 2011 By: /Gregory A. Hunt/
Gregory A. Hunt
Registration No. 41,085
Customer No. 25297

1731/5 GAH/sda

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA PA 19103-2307

MAILED
FEB 13 2012
OFFICE OF PETITIONS

In re Patent No. 8,083,274

Issue Date: December 27, 2011

Application No. 11/995,393

Filed: June 19, 2008

Attorney Docket No. 1025-P04502US0/SHE

ON PETITION

This is a decision on the petition filed January 16, 2012, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee data on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **granted**.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

The file is being forwarded to the Certificate of Correction Branch for issuance of the requested Certificate of Correction.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

[1] See *Official Gazette* of June 22, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FROST BROWN TODD LLC
3300 Great American Tower
301 East Fourth Street
CINCINNATI OH 45202

MAILED
NOV 22 2011
OFFICE OF PETITIONS

In re Application of :
Muhammad Abubakar Atiq DURRANI : ON PETITION
Application No. 11/995,404 :
Filed: May 19, 2008 :
Atty. Docket No.: 0010872.0556227

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed June 27, 2011 (Notice), which set a statutory period for reply of three (3) months. The application became abandoned September 28, 2011. A Notice of Abandonment was mailed October 12, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the issue and publication fees in accordance with the Notice mailed June 27, 2011, (2) a petition fee of $930, and (3) a statement of unintentional delay. The reply to the Notice 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 Office of Data Management for further processing.

Robert DeWitty
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

DEC 08 2010

OFFICE OF PETITIONS

THE FARRELL LAW FIRM LLP
290 BROADHOLLOW ROAD
SUITE 210E
MELVILLE NY 11747

In re Application of :
Oh, et al. :
Application No. 11/995,415 : ON PETITION
Filed: July 26, 2008 :
Attorney Docket No. 1338-08 PCT US :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed September 23, 2010.

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

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action, mailed January 19, 2010. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on April 20, 2010. The Office mailed a Notice of Abandonment on August 4, 2010.

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

The application is being forwarded to Group Art Unit 2835 for consideration of the Amendment, filed September 23, 2010.

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

Cliff Congo
Petitions Attorney
Office of Petitions

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)
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 EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	11/995,533	Filing date:	January 12, 2008
First Named Inventor:	Kurt Himmelfreundpointner		
Title of the Invention:	DRUM MIXER		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/AT2006/000264

The international filing date of the corresponding PCT application(s) is/are: June 27, 2006

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-EP (05-10)
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 PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	11/995,533
First Named Inventor:	Kurt Himmelfreundpointner

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on April 21, 2008

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on April 21, 2008

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Amended to remove reference numbers
2	2	Amended to remove reference numbers
3	3	Amended to remove reference numbers and multiple dependencies
4	4	Amended to remove reference numbers and multiple dependencies
5	3	New claim added to remove multiple dependencies from claim 3/2
6	4	New claim added to remove multiple dependencies from claim 4/2
7	4	New claim added to remove multiple dependencies from claim 4/3

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /John E. Nemazi/	Date March 24, 2011
Name (Print/Typed) John E. Nemazi	Registration Number 30876

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/995,533	01/12/2008	Kurt Himmelfreundpointner	HIMM0101PUSA	8585

22045 7590 05/18/2011

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

EXAMINER	
BEISNER, WILLIAM H	

ART UNIT	PAPER NUMBER
1775	

MAIL DATE	DELIVERY MODE
05/18/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAY 18 2011

CT

In re application of	:	DECISION ON REQUEST TO
Kurt Himmelfreundpointner	:	PARTICIPATE IN PATENT
Serial No. 11/995,533	:	PROSECUTION HIGHWAY
Filed: January 12, 2008	:	PROGRAM AND
For: DRUM MIXER	:	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 March 24, 2011, to make the above-identified application special.

The request and petition are **DISMISSED** as moot. Specifically, a non-final Office Action was mailed in this application on May 11, 2011.

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, USPTO or KIPO;

(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) Applicant must submit a claims correspondence table in English and all the independent 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;

(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;

(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; and

The request to participate in the PPH program and petition fail because:

(5) Examination of the U.S. application has begun. Specifically, note that a non-final Office Action was mailed in this application on May 11, 2011

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

CONTINENTAL TEVES, INC.
ONE CONTINENTAL DRIVE
AUBURN HILLLS, MI 48326-1581

MAILED

JUN 13 2011

OFFICE OF PETITIONS

In re Application of :
Alexander Gass, et al. :
Application No. 11/995,605 : ON PETITION
Filed: January 14, 2008 :
Attorney Docket No.: TM061 :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 7, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on January 8, 2011. A Notice of Abandonment was mailed on April 18, 2011. On May 3, 2011, the present petition was filed.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Edward J. Stemberger appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. A courtesy copy of this decision is being mailed to petitioner. However, if Attorney Stemberger desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

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

The application is being referred to Technology Center AU 2833 for appropriate action by the Examiner in the normal course of business on the response filed May 3, 2011.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: MANELLI DENISON & SELTER
2000 M STREET NW SUITE 700
WASHINGTON, DC 20036-3307

UNITED STATES PATENT AND TRADEMARK 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.
11/995,750	07/07/2008	Antonio Torrens Jover	006444.00058	1348

22907 7590 03/27/2012

BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

EXAMINER	
COLEMAN, BRENDA LIBBY	
ART UNIT	PAPER NUMBER
1624	
MAIL DATE	DELIVERY MODE
03/27/2012	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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 2 7 2012

Benjamin C. Spehlmann
BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

In re Application of	:
Jover et al	:
Serial No.: 11/995,750	:Decision on Petition
Filed : 7 July 2008	:
Attorney Docket No.: 006444.0058	:

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 15 February 2012 requesting reconsideration of the restriction requirement mailed 3 February 2011. No fee is required for this type of petition.

BACKGROUND

This application was filed as an international application in compliance with 35 U.S.C. 371 and as such is entitled to re-consideration under unity of invention practice described in MPEP Chapter 1800.

On 3 February 2011, the examiner set forth a restriction requirement which divided claims 1-12 and 22-29 into two groups depending upon the type of formula and its substituents. A tentative election of species was also required.

> Group I, claim(s) 1-12 and 22-29, drawn to the compounds, compositions, process of preparing and method of use of the compounds where p or n is 1.
>
> Group II, claim(s) 1-12 and 22-29, drawn to the compounds, compositions, process of preparing and method of use of the compounds where p or n is 2.

On 3 March 2011, applicants elected Group I, and the following species, with traverse.

cis-N-(azepan-1-yl)-5-(4-chlorophenyl)-1-(2,4-dichlorophenyl)-4-methyl-4,5-dihydro-1H-pyrazole-3-carboxamide

On 12 May 2011, the examiner mailed to applicants a non-final Office action in which the traversal was considered. The restriction requirement was made final. Claims 1-12 and 22-29 were rejected under 35 U.S.C. 112, under the first paragraph for scope of enablement, under the second paragraph for indefiniteness and under provisional nonstatutory double patenting over co-pending application 11/457,720. Claims 23-29 were rejected under 35 U.S.C. 112, 1st paragraph for written description. Claim 27 was rejected under 35 U.S.C. 112, 1st paragraph for lack of enablement for treatment of substance abuse.

On 12 October 2011, applicants filed a response.

On 15 November 2011, the examiner prepared a Final Office action in which the double patenting rejection was maintained. Applicant was required to cancel the non-elected subject matter from Claims 1-12, 22, 23, 25, 27 and 30 or take other action (37 CFR 1.144).

On 15 February 2012, applicants filed a terminal disclaimer (which was processed and approved by the paralegals), an amendment to the claims which amended the Markush language of Claims 1 and 2 to recite "selected from the group consisting of" followed by "and." Applicants also filed this petition.

DISCUSSION

The file history and petition have been considered carefully.

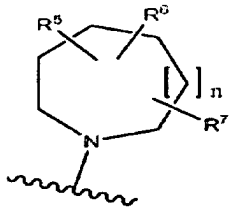
At the onset, it is noted that the petition contains arguments concerning the claims which issued in another application. These arguments are not being considered or addressed in this decision, as each application is considered on its own merits and improper rejoinder is not grounds for questioning the validity of a patent. See MPEP 805 and the last sentence of 35 U.S.C. 121.

The petition requests that Group I and II be rejoined for examination because the Office cannot refuse to examine applicant's claimed invention. The petition argues that bread of the Markush groups, as described by the examiner as "the wide variety of rings systems" is not the standard for determining whether a Markush claim has unity of invention. These arguments are persuasive.

In the restriction requirement, the process claims, which were drafted in Markush format, were divided into two subgroups depending upon the value of 'p' and 'n.' For Group I, p or n is 1. For Group II, p or n is 2. The resulting outcome is a line of patentable distinction being drawn between whether a substituent has a 7-membered ring or an 8-membered ring.

The relevant portion of claim 1 is set forth below:

- R^8 representing a hydrogen atom or a branched or linear C_{1-3}-alkyl group, while R^9 is representing



with R^5, R^6 and R^7 being independently from one another selected from H, F, Cl, Br, I, OH, SH, C_{1-4}alkyl, C_{1-4}alkoxy, CF_3, CHF_2, CH_2F, OCF_3, a keto-group, NO_2 or NH_2; and n being 1 or 2;

The variable 'n' is used in Claims 1 and 2 to refer to the number of carbon atoms in R^8 alone or in R^8 and R^9.

The variable 'p' is used in dependent Claim 8 to refer to the number of carbon atoms in R^{28} alone or R^{28} and R^{29}.

In dependent claim 3, the variable 'm' is used to refer to the number of carbon atoms in R^{18} alone or R^{18} and R^{19}. By relying solely upon 'n' or 'p' to make the groupings, the examiner failed to provide applicant with the opportunity to elect this embodiment for the value of 'm.'

This type of intraclaim restriction, where a claim is placed into two or more groups based upon alternative limitations and where some alternatives are not accounted for in any group, made final on 12 May 2011, is counter to MPEP 803.02 and the 9 February 2011 Federal Register Notice entitled "Supplemental Examination Guidelines for Determining Compliance with 35 U.S.C. 112 and for treatment of Related Issues in Patent Applications." This Notice applies to both national applications filed under 35 U.S.C. 111(a) and national stage applications filed in compliance with 35 U.S.C. 371. 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 guidelines and the guidance in MPEP 803.02, the restriction requirement between the embodiments of the Markush claims (Groups I-II) is found to be unwarranted. In keeping with the 2011 Federal Register Notice, this requirement has been withdrawn and re-formatted as a provisional election of species requirement. The examination guidance set forth

above explains how the claim is to be examined should the elected species be found free of the prior art.

It is noted that the Examiner has objected to claims for lacking compliance with the restriction requirement. This is counter to MPEP 803.02, 809, and 821.04(a) which permits applicants to retain claims to non-elected alternatives and to retain non-elected alternatives within a Markush claim.

DECISION

For these reasons, the petition filed under 37 CFR 1.144 on 15 February 2012 is **GRANTED**.

The intra-claim restriction requirement made between Groups I-II has been withdrawn and re-formatted as a provisional election of species requirement.

The objection to the claims for lacking compliance with the restriction requirement is withdrawn.

The final Office action mailed 15 November 2011 is withdrawn as incomplete, for not extending the search and examination as required by the 9 February 2011 Federal Register Notice.

The application will be forwarded to the examiner for consideration of the papers filed 15 February 2012 and for preparation of an Office action consistent with this petition decision. Markush claims are to be examined according to the guidance in MPEP 803.02 and the Federal Register Notice of 9 February 2011.

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

Dan Sullivan
(Acting) Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Patent No. : **7816321**
Ser. No. : **11/995817**
Inventor(s) : **NIE, LIYA**
Issued : **10/19/2010**
Title : **THYMOSIN BETA 4 DERIVATIVES AND USE THEREOF**
Docket No. : **140162.401USPC**

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

WILLIAM T. CHRISTIANSEN
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE WA 98104

OL

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SEED INTELLECTUAL PROPERTY
LAW GROUP PLLC
701 FIFTH AVENUE
SUITE 5400
SEATTLE WA 98104

MAILED
APR 08 2011
OFFICE OF PETITIONS

In re Patent No. 7,816,321 :
Issue Date : October 19, 2010 :
Application No. 11/995,817 : ON PETITION
Filed: August 20, 2008 :
Attorney Docket No. 140162.401USPC :

This is a decision on the petition, filed February 17, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **DISMISSED**.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

> *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 request under 37 CFR 3.81(b) was not accompanied by a statement that the assignment was submitted for recordation before issuance of the patent, as required by 3.81(b). *See also* MPEP 1481.01.

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

As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

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

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

Thurman K. Page
Petitions Examiner
Office of Petitions

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MAILED
MAY 31 2011
OFFICE OF PETITIONS

SEED INTELLECTUAL PROPERTY
LAW GROUP PLLC
701 FIFTH AVENUE
SUITE 5400
SEATTLE WA 98104

In re Patent No. 7,816,321 :
Issue Date : October 19, 2010 :
Application No. 11/995,817 : ON PETITION
Filed: August 20, 2008 :
Attorney Docket No. 140162.401USPC :

This is a decision on the petition, filed April 19, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to Diane Goodwyn at (571) 272-6735. 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.

Thurman K. Page
Petitions Examiner
Office of Petitions

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/18/11

TO SPE OF : ART UNIT 1616

SUBJECT : Request for Certificate of Correction for Appl. No.: 11995845 Patent No.: 8062670

CofC mailroom date: 12/09/11

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: **Please check Claim 11**
Should the changes to the claim be approved?

Lamonte Newsome

Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

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

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: _____

_____

_____

_____

_____

SUPERVISORY PATENT EXAMINER
GROUP 1200

1616

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED
AUG 02 2010
OFFICE OF PETITIONS

Applicant: Peter Randolph Hazard Stark
Appl. No.: 11/995,878
International Filing Date: July 17, 2006
Title: PHARMACEUTICAL COMPOUNDS
Attorney Docket: H0776.70017US02
Pub. No.: US 2009/0146081 A1
Pub. Date: June 11, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 6, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error wherein the text from page 18 was omitted from the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b). The Office used the copy of the application provided by applicant publishing the application and the copy of the application provided by applicant omitted page 18 and included two copies of pages 7 and 32.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

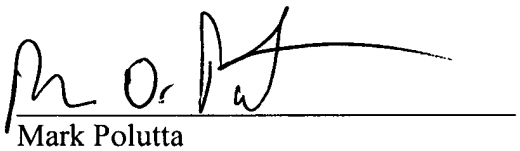
http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/995,878	11/26/2008	Marko Ahlmark	06267.0156-00000	1656

22852 7590 12/22/2010

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

EXAMINER	
JAVANMARD, SAHAR	

ART UNIT	PAPER NUMBER
1627	

MAIL DATE	DELIVERY MODE
12/22/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Applicant: Ahlmark et al.
Appl. No.: 11/995,878
Filing Date: November 26, 2008
Title: PHARMACEUTICAL COMPOUNDS
Attorney Docket No.: 06267.0156-00000
Pub. No.: US 2009/0209532 A1
Pub. Date: August 20, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on December 14, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because the applicant submitted his request via the United States Postal Service rather than via the electronic filing system The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 12/22/2010 KKING1
12/15/2010 AWONDAF1 00000046 11995878
01 FC:1504 -300.00 OP

Refund Ref:
12/22/2010 KKING1 0000172620

CHECK Refund Total: $300.00

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FULBRIGHT & JAWORSKI LLP
98 SAN JACINTO BOULEVARD
SUITE 1100
AUSTIN TX 78701-4255

MAILED
NOV 29 2011
OFFICE OF PETITIONS

In re	: DECISION ON APPLICATION
Wicker, et al.	: FOR PATENT TERM ADJUSTMENT
Application No. 11/995,920	: AND NOTICE OF INTENT
Filed: December 5, 2008	: TO ISSUE
Patent No. 8,017,754	: CERTIFICATE OF CORRECTION
Issued: September 13, 2011	:

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)", filed November 10, 2011. Patentees request that the patent term adjustment under 35 U.S.C. 154(b) be corrected from four hundred twenty-one (421) days to three hundred forty-two (342) days.

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

On May 6, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the instant application. The Notice stated that the patent term adjustment (PTA) to date was two hundred twenty-eight (228) days. On August 4, 2011, Applicants filed a candor letter, asserting that the correct PTA was 108 days. On September 13, 2011, the application issued into Patent No. 8,017,754 with a PTA of four hundred twenty-one (421) days.

A review of the file reveals that Applicants were assessed delay of forty-one (41) days for filing the candor letter on August 4, 2011. Pursuant to 37 C.F.R. § 1.704(e), the submission

of an application for patent term adjustment will not be considered a failure to engage in reasonable efforts to conclude prosecution of the application. Here, it is concluded that the submission of the candor letter is analogous to the submission of an application for patent term adjustment. Accordingly, zero (0) days should have been assessed for this filing.

Moreover, patentees are correct that they should have been assessed additional days of applicant delay under 37 CFR 1.704(b). The Office mailed a Notification of Missing Requirements on May 7, 2008. Applicants did not file a reply until December 5, 2008. Accordingly, pursuant to 37 CFR 1.704(b), one hundred twenty (120) days of Applicant delay should have been assessed.

In view thereof, the correct determination of patent term adjustment is three hundred forty-two (342) days (228 days of "A" delay and 234 days of "B" delay, reduced by 120 days of Applicant delay).

Receipt of the $200 fee is acknowledged.

The application is being forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction, indicating a Patent Term Adjustment of **three hundred forty-two (342) days.**

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

Cliff Congo
Petitions Attorney
Office of Petitions

Enclosure: draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

DRAFT CERTIFICATE OF CORRECTION

PATENT : 8,017,754 B2

DATED : **September 13, 2011**

INVENTOR(S) : Wicker 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 421 days.

Delete the phrase "by 421 days" and insert – by 342 days--

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

Date: 05-10-2011

Patent No. : 7,925,571 B2
Application No.: 11/995,923
Issued : April 12, 2011
Inventor : John Watson, et. al.

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 provision of Rule 1.322 or R 1.323.

Respecting the alleged error, on the title page item (30), is an editing change made in accordance with the style of the Invention Patent Manual. Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 or 255 the Code of Federal Regulation (C.F.R.) R 1.322 or R 1.323.

In view of the foregoing, the change will read as followings:

(30) Foreign Application Priority Data
Feb. 2, 2006 (UK).....06021216

Further correspondence concerning this matter should be filed and directed to Decisions and Certificates of Correction Branch. Any response must be filed within a four week period.

Eva James
For Mary Diggs
Certificates of Correction Branch
571-272-3422 or 703-756-1580
Stephen M. De Klert
SNR Denton US LLP
P.O. Box 061080
Wacker Drive Station, Willis Tower
Chicago, IL 60606

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/995,937	01/17/2008	Jun Suzuki	320227US0PCT	2567

22850 7590 08/27/2010

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

EXAMINER	
HAN, KWANG S	

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
08/27/2010	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AUG 27 2010

BC

In re application of	:	DECISION ON REQUEST TO
Jin Suzuki et al.	:	PARTICIPATE IN PATENT
Serial No. 11/995,937	:	PROSECUTION HIGHWAY
Filed: January 17, 2008	:	PROGRAM AND
For: TITANIUM ELECTRODE MATERIAL	:	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 filed July 30, 2010.

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, 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;

(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 program and petition comply with the above requirements. Accordingly, 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 Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

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.

/Blaine Copenheaver/

Blaine Copenheaver
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

MAILED

MAR 25 2011

PCT LEGAL ADMINISTRATION

MICHAEL J. STRIKER
103 EAST NECK ROAD
HUNTINGTON NY 11743

In re Application of :
MAHLER, Michael, et al. :
Application No. 11/995,950 :DECISION ON PETITION
International Filing Date: 09 November 2008 :
Attorney Docket No. 4334 :

This is a decision on the petition under 37 CFR § 1.78(a)(3), filed 23 December 2010, to accept an unintentionally delayed claim under 35 USC 119(a)-(d) for priority to a foreign application set forth in the concurrently filed amendment. However, the claim to the foreign application was properly made in the declaration submitted on 17 January 2008. Moreover, 37 CFR 1.78 applies only to domestic claims in national phase applications, and 37 CFR 1.55 does not apply to national phase filings.

This petition is **DISMISSED AS MOOT**. The $1410 petition fee will be credited to deposit account no. 19-4675.

Any questions concerning this decision on petition may be directed to Erin Thomson at (571) 272-3292. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to the Examiner of Technology Center AU 2121 for appropriate action.

/Bryan Lin/
Bryan Lin
PCT Legal Examiner
PCT LegalAdministration

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/995,967	01/17/2008	Susumu Nakano	KAS-6175	2849

7590 12/09/2010

MATTINGLY & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER	
NGUYEN, ANDREW H	

ART UNIT	PAPER NUMBER
3741	

MAIL DATE	DELIVERY MODE
12/09/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Patent Publication Branch
Office of Data Management

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

MAILED

OCT 11 2011

OFFICE OF PETITIONS

In re Application of :
Villoo Morawala Patell :
Application No. 11/995,985 : DECISION ON PETITION
Filed: April 21, 2008 : TO WITHDRAW
Attorney Docket No. **20049.0029USWO** : 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 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 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 Douglas P. Mueller on behalf of all attorneys of record who are associated with Customer Number 52835.

All attorneys/agents associated with Customer Number 52835 have been withdrawn.

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

The correspondence address of record has been changed and 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 5, 2011, 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: Avesthagen Limited
Unit 3, "Discoverer" 9th Floor
International Tech Park
Whitefield Road
Bangalore, India 560066

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
11/995,985	04/21/2008	Villoo Morawala Patell	20049.0029USWO

CONFIRMATION NO. 2989

52835
HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS, MN 55402-0902

POWER OF ATTORNEY NOTICE

OC000000050256042

Date Mailed: 10/06/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/28/2011.

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

/jlburke/

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

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JHK LAW
P.O. BOX 1078
LA CANADA CA 91012-1078

MAILED
AUG 30 2011
OFFICE OF PETITIONS

In re Application of :
Kimi HONMA et al. :
Application No. 11/996,002 : DECISION ON PETITION
Filed: March 12, 2008 :
Attorney Docket No. **0112300-01349** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 02, 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 July 05, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed April 05, 2011, which set a statutory period for reply of three (3) months. Accordingly, the date of abandonment of this application is July 06, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755.00 and the publication fee of $300.00, (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay. Accordingly, the failure to timely pay the issue and publication fees as required by the Notice of Allowance is accepted as being unintentionally delayed.

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

This application is being referred to Office of Data Management.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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P.O. Box 1450
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BARNES & THORNBURG LLP
11 SOUTH MERIDIAN
INDIANAPOLIS IN 46204

MAILED

SEP 27 2011

OFFICE OF PETITIONS

In re Application of :
Gary A. Koppel et al :
Application No. 11/996,006 : DECISION ON PETITION
Filed: January 17, 2008 :
Attorney Docket No. 29010-204683 :

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 petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed May 13, 2011, is accepted as having been unintentionally delayed.

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO CA 94111

MAILED

DEC 21 2011

OFFICE OF PETITIONS

In re Patent No. 8,039,273 :
SCOTT JEFFREY : DECISION ON APPLICATION
Issue Date: October 18, 2011 : FOR
Application No. 11/996,009 : PATENT TERM ADJUSTMENT
Filed: January 17, 2008 :
Attorney Docket No. 018891-002020US:

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT DETERMINATION UNDER 37 C.F.R. § 1.705(d)" filed Monday, December 19, 2011, requesting reconsideration of the determination of patent term adjustment under 35 U.S.C. 154(b) of 494 days.

The application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED AS UNTIMELY FILED**.

Patentee is given **TWO (2) MONTHS** to respond to this decision. No extensions of time will be granted under 37 CFR 1.136(a).

35 U.S.C. 154(b) provides for patent term adjustment for examination delay. Pursuant to 35 U.S.C. 154(b)(3)(B) and implementing regulation 37 CFR 1.705, an applicant shall receive an initial determination of patent term adjustment with the mailing of the Notice of Allowance and shall be given one opportunity to request reconsideration of that determination by way of filing of an application for patent term adjustment prior to the payment of the issue fee.

On September 28, 2011, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 494 days.

Patentee disputes the reduction under 37 CFR 1.704(c)(8) of 49 days for the submission of an Information Disclosure Statement (IDS) on May 26, 2011. Patentee asserts that the Office should not have accessed any applicant delay for the filing of the IDS on May 26, 2011, because the IDS was accompanied by a statement under 37 CFR 1.704(d).[1] Consequently, patentee avers that patentee is entitled to a total patent term adjustment of 543 days.

The Office notes that the Determination of Patent Term Adjustment mailed September 28, 2011, was based in part on the reduction of 49 days associated with the filing of the IDS on May 26, 2011. PALM records indicate that the issue fee payment was received in the Office on September 9, 2011. Patentee did not file an application for patent term adjustment before the payment of the issue fee. The period for filing an application for patent term adjustment requesting reconsideration of the initial determination of patent term adjustment at the time of mailing of the notice of allowance ended September 9, 2011. Accordingly, it is appropriate to dismiss this petition as untimely filed under 37 CFR 1.705(b).

Moreover, consideration under 37 CFR 1.705(d) is inappropriate. As stated in MPEP 2730, 37 CFR 1.703(d) provides that:

> If there is a revision to the patent term adjustment indicated in the notice of allowance, the patent will indicate the revised patent term adjustment. If the patent indicates or should have indicated a revised patent term

---

[1] Pursuant to 37 CFR 1.704(d):

> A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than **thirty days** prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

Emphasis added.

> adjustment, any request for reconsideration of the patent term adjustment indicated in the patent must be filed within two months of the date the patent issued and must comply with the requirements of paragraphs (b)(1) and (b)(2) of this section. Any request for reconsideration under this section that raises issues that were raised, or could have been raised, in an application for patent term adjustment under paragraph (b) of this section shall be dismissed as untimely as to those issues.

The issues raised should have been timely raised on application for patent term adjustment under 37 CFR 1.705(b).

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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ELI LILLY & COMPANY
PATENT DIVISION
P.O. BOX 6288
INDIANAPOLIS IN 46206-6288

MAILED
DEC 20 2011
OFFICE OF PETITIONS

In re Application of :
Larry Chris Blaszczak et al. :
Application No. 11/996,128 : DECISION ON PETITION
Filed: January 18, 2008 :
Attorney Docket No. X-17144 :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 7, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed September 7, 2011. Accordingly, the date of abandonment of this application is December 8, 2011. A Notice of Abandonment was mailed on December 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 payment of the issue fee of $1,740 and the publication fee of $300, (2) the petition fee of $1,860, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

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

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

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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GALLAGHER & DAWSEY CO., L.P.A.
P.O. BOX 785
COLUMBUS OH 43216

MAILED

JAN 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Zhu et al.	:	
Application No. 11/996,157	:	DECISION ON PETITION
Filed: January 18, 2008	:	
Attorney Docket No. ANDR-100125.004	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 9, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 20, 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 21, 2009. A Notice of Abandonment was mailed February 5, 2010.

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

The instant petition lacks item (3)

With regards to item (3) petitioner has failed to submit the required 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. Petition form PTO/SB/64 is enclosed.

Further, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this 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.

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.

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

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

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

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
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/64 form

cc: TIMOTHY D. BENNETT
ILAN YOGEV
4671 VISTA DE ORO AVE.
WOODLAND HILLS, CA 91364

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 785
COLUMBUS OH 43216

MAILED
MAR 11 2011
OFFICE OF PETITIONS

In re Application of :
Zhu et al. :
Application No. 11/996,157 : DECISION ON PETITION
Filed: January 18, 2008 :
Attorney Docket No. ANDR-100125.004 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 24, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 20, 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 21, 2009. A Notice of Abandonment was mailed February 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 (previously submitted December 9 2010), (2) the petition fee of $810.00 (previously submitted December 9, 2010), and (3) a proper statement of unintentional delay.

Further, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office. Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition

shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

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.

This application is being referred to Technology Center AU 2858 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Timothy D. Bennett
1914 Akron-Peninsula Road
Akron, Ohio 44313

UNITED STATES PATENT AND TRADEMARK OFFICE

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BANNER & WITCOFF, LTD.
1100 13TH STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

MAILED

AUG 02 2011

OFFICE OF PETITIONS

In re Application of :
Corrado Cusano :
Application No. 11/996,161 :
Filed: May 28, 2008 :
Attorney Docket No. 007067.00018 :

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 **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 Mark E. Wilinski 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.

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 July 6, 2011 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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1100 13TH STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

MAILED

AUG 26 2011

OFFICE OF PETITIONS

In re Application of
Corrado Cusano
Application No. 11/996,161
Filed: May 28, 2008
Attorney Docket No. 007067.00018

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 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 Mark E. Wilinski on behalf of all attorneys of record who are associated with Customer Number 22907.

All attorneys/agents associated with the Customer Number 22907 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

Currently, there is an outstanding Office action mailed July 6, 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: Mr. Corrado Cusano
C/O DIES GROUP; Via della Stamperia, 68/a
Roma, Italy 00187

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BANNER & WITCOFF, LTD.
1100 13TH STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

MAILED

AUG 02 2011

OFFICE OF PETITIONS

In re Application of :
Corrado Cusano :
Application No. 11/996,169 :
Filed: May 20, 2008 :
Attorney Docket No. 007067.00019 :

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 **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 Mark E. Wilinski 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.

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 23, 2011 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

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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BANNER & WITCOFF, LTD.
1100 13TH STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

MAILED

AUG 24 2011

OFFICE OF PETITIONS

In re Application of
Corrado Cusano
Application No. 11/996,169
Filed: May 20, 2008
Attorney Docket No. 007067.00019

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 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 Mark E. Wilinski on behalf of all attorneys of record who are associated with Customer Number 22907.

All attorneys/agents associated with the Customer Number 22907 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

Currently, there is an outstanding Office action mailed March 23, 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: Mr. Corrado Cusano
C/O DIES GROUP; Via della Stamperia, 68/a
Roma, Italy 00187

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November 21, 2011

LATHROP & GAGE LLP
2345 GRAND Boulevard
SUITE 2400
KANSAS CITY MO 64108

In re Application of	:	
Gordon, Gadi et al	:	**DECISION ON PETITION**
Application No.11/996,227	:	
Filed: 01/18/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 476559	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) January 28, 2008.

The petition is **GRANTED**.

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

31 AUG 2010

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

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

In re Application of:	:	
JANG, Euee-S, et al.	:	DECISION
U.S. Application No.: 11/996,264	:	(37 CFR 1.181)
PCT No.: PCT/KR2006/002465	:	
Int'l Filing Date: 26 June 2006	:	
Priority Date: 20 July 2005	:	
Attorney's Docket No.: 5200-0105PUS1	:	
For: ENCODER AND DECODER	:	

This decision is issued in response to the "Request To Withdraw Holding Of Abandonment" filed 12 July 2010, treated herein under 37 CFR 1.181. No petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the Communication mailed 12 March 2010. The Communication stated that the second Notification Of Defective Response (Form PCT/DO/EO/916) mailed on 18 November 2009 was issued in error and was therefore vacated. The Communication also stated that applicants' 13 November 2009 response to the first Notification Of Defective Response (Form PCT/DO/EO/916) was not an acceptable response to such Notification and that the application was therefore abandoned.

On 12 May 2010, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Abandonment" (Form PCT/DO/EO/909) confirming the abandonment.

On 12 July 2010, applicants filed the "Request To Withdraw Holding Of Abandonment" considered herein as a petition under 37 CFR 1.181.

DISCUSSION

The present petition asserts that, pursuant to the fee authorization provided, applicants should have been charged the extension fee required for the 17 December 2009 submission to be considered a timely and complete response to the Notification Of Defective Response mailed 15 October 2009. Applicants' argue that, in view of such extension, the holding of abandonment (based as it was on applicants' purported failure to file a timely and complete response to the Notification Of Defective Response) was improper and should be withdrawn.

The petition is premised on applicants' assertion that the Notification Of Defective Response (Form PCT/DO/EO/916) mailed on 15 October 2009 "clearly said that an extension of

time was available under Rule 136(a) to respond thereto." However, contrary to applicants' assertion, extensions of time under 37 CFR 1.136(a) were expressly **not** available with respect to the one-month response deadline set forth in the Notification Of Defective Response (Form PCT/DO/EO/916) mailed on 15 October 2009.

The Notification Of Defective Response form reads as follows (emphasis added):

> Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification Of Missing Requirements, whichever is the longer. **No extension of this time limit may be granted under 37 CFR 1.136**, but the period for response set in the Notification Of Missing Requirements may be extended under 37 CFR 1.136(a).

Thus, by the express terms of the Notification, the one-month response period set forth therein was not extendable. Extensions of time under 37 CFR 1.136(a) were only available with respect to the original response period set forth in the Notification Of Missing Requirements. In the present application, the two-month response period set forth in the original Notification Of Missing Requirements expired on 04 October 2008; thus, the maximum five-month extension period available with respect to the Notification of Missing Requirements expired on 04 March 2009, long before applicants' 17 December 2009 submission completing the required response.

In view of the above, no extensions of time under 37 CFR 1.136(a) were available with respect to the one-month deadline set forth in the Notification Of Defective Response (Form PCT/DO/EO/916) mailed on 15 October 2009. As set forth in the previous communication, the materials filed by applicants during the available one-month response period were not an acceptable and complete response to such Notification. The holding of abandonment was therefore appropriate, and applicants' present petition to withdraw the holding of abandonment is appropriately dismissed.

CONCLUSION

The petition to withdraw the holding of abandonment is **DISMISSED** without prejudice.

The present application remains **ABANDONED** for failure to timely file a complete response to the Notification Of Defective Response (Form PCT/DO/EO/916) mailed 15 October 2009.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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NOV 23 2010

PCT LEGAL ADMINISTRATION

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

In re Application of:
JANG, Euee-S, et al.
U.S. Application No.: 11/996,264
PCT No.: PCT/KR2006/002465
Int'l Filing Date: 26 June 2006
Priority Date: 20 July 2005
Attorney's Docket No.: 5200-0105PUS1
For: ENCODER AND DECODER

DECISION
(37 CFR 1.1137(b))

The petition for revival under 37 CFR 1.137(b) filed 08 October 2010 in the above-captioned application is hereby **GRANTED** as follows:

As discussed in the communication mailed 12 March 2010, this application became abandoned based on applicants' failure to file a complete response to the Notification Of Defective Response (Form PCT/DO/EO/916) mailed 15 October 2009.

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).[1]

The present petition for revival was accompanied by payment of the required petition fee, and the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

The "required reply" here is an acceptable response to the Notification Of Defective Response (Form PCT/DO/EO/916) mailed 15 October 2009, that is, an acceptable declaration in compliance with 37 CFR 1.497. The present petition was accompanied by a revised declaration that is executed by all three inventors of record in their correct names and which complies with 37 CFR 1.497. This declaration satisfies the "required reply" element of a grantable petition.

It is noted that, regardless of applicants' 17 December 2009 letter explaining the transliteration error in the declaration filed on 06 October 2008, such declaration is not acceptable under 37 CFR 1.497 because such declaration appears to be a compilation of multiple

[1] It is noted that item (4) does not apply to the present application.

documents. The compilation is evident from the fact that the three-page document consists of a single copy of "Page 1 of 2" and two different copies of "Page 2 of 2,"each executed by a different person named thereon. See MPEP section 201.03(II)(B): "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration."

In view of the above, applicants have satisfied the requirements for a grantable petition for revival under 37 CFR 1.137(b). The petition is therefore appropriately granted.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 08 October 2010.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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DAVID A. GUERRA
INTERNATIONAL PATENT GROUP, LLC
SUITE 700
1816 CROWCHILD TRAIL N.W.
CALGARY AB T2M 3Y7 CA CANADA

MAILED
NOV 25 2011
OFFICE OF PETITIONS

Applicant: Redfern
Appl. No.: 11/996,305
Filing Date: January 21, 2008
Title: ENHANCED SEARCHING USING A THESAURUS
Attorney Docket No.: AP183-07
Pub. No.: US 20080228741 A1
Pub. Date: September 18, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 25, 2011 and again on August 29, 2011, for the above-identified application.

The request is DISMISSED as moot.

Applicant requests that the application be republished because the patent application publication contains an error in the spelling of the inventor's name.

The request is dismissed as moot because the application issued as Patent No. 8,027,991 on September 27, 2011.

For future reference, applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication."

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10/03/11

TO SPE OF : ART UNIT: 2821 Attn: OWENS DOUGLAS W (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/996366 Patent No.: 7812776

CofC mailroom date: 11/18/2010

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: Please check Claims 1 and 9
Should these changes be made or not

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1814 & 703-756-1593

Thank You For Your Assistance

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

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

Comments: These changes are O.K to enter.

DOUGLAS W. OWENS
SUPERVISORY PATENT EXAMINER Douglas K. Owens 2821

Reddy, Karuna P.

From: Justine M. Wilbur [JWilbur@oblon.com]
Sent: Friday, March 25, 2011 1:03 PM
To: Reddy, Karuna P.
Subject: Application 11/996,426
Attachments: Claims 1 and 2 for Examiners Amendment.pdf

Examiner Reddy:

As I indicated on the voicemail I left you a few minutes ago, the Applicants have accepted your proposed Examiner's Amendment.

I've attached a document to this email that includes what amended claims 1 and 2 would look like.

If you have any further questions or concerns, you can call me at 703-412-6243.

Sincerely,
Justine Wilbur
Reg. No. 59,678

OBLON SPIVAK

Oblon, Spivak, McClelland, Maier & Neustadt, L.L.P.
www.oblon.com

Justine M. Wilbur
Associate

1940 Duke Street
Alexandria, Virginia 22314
Direct Dial: 703.412.6243
Fax: 703.413.2220
jwilbur@oblon.com

US 11/996,426

Amended Claims 1 and 2 for Examiner's Amendment:

Claim 1 (Currently Amended): A method of obtaining a (meth)acrylate-based polymer from a reaction solution containing the (meth)acrylate-based polymer, said method comprising:

(a) adding [[an]] a carboxylic acid having a water content of 20% by mass or less to the reaction solution containing the (meth)acrylate-based polymer, wherein said (meth)acrylate-based polymer is obtained by a polymerization of a monomer composed mainly of a (meth)acrylate in a water-insoluble organic solvent in the presence of an organoaluminum compound and a polymerization initiator, wherein said polymerization initiator comprises an organic alkali metal compound, and wherein the concentration of the polymerization initiator is 1 to 10 mmol per 1 liter of polymerization solution and the amount of the organoaluminum compound is from 0.5 to 20 times, per mol, the amount of the polymerization initiator;

(b) washing the reaction solution to which the acid has been added in (a) by admixing water at a temperature of from 90°C to ~~180°C~~ 150°C, thereby forming a mixture of water and the reaction solution;

(c) separating the mixture of water and the reaction solution generated in (b) into an organic solvent solution layer and an aqueous solution layer; and

(d) isolating each of the organic solvent solution and the aqueous solution layers obtained in (c),

and

recovering the (meth)acrylate-based polymer from the organic solvent solution isolated in (d),

wherein the (meth)acrylate-based polymer is ~~a polymethacrylate,~~ a diblock copolymer composed of a methacrylate-based polymer block and an acrylate-based polymer block, or a triblock copolymer composed of a methacrylate-based polymer block, an acrylate-based polymer block and a methacrylate-based polymer block.

Claim 2 (Currently Amended): A method of obtaining a (meth)acrylate-based polymer from a reaction solution containing the (meth)acrylate-based polymer, said method comprising:

(a) adding [[an]] a carboxylic acid having a water content of 20% by mass or less to the reaction solution containing the (meth)acrylate-based polymer, wherein said (meth)acrylate-based polymer is obtained by a polymerization of a monomer composed mainly of a (meth)acrylate in a water-insoluble organic solvent in the presence of a metal compound an organoaluminum compound and a polymerization initiator, wherein said polymerization initiator comprises an organic alkali metal compound, and wherein the concentration of the polymerization initiator is 1 to 10 mmol per 1 liter of polymerization solution and the amount of the organoaluminum compound is from 0.5 to 20 times, per mol, the amount of the polymerization initiator;

(b) washing the reaction solution to which the acid has been added in (a) by admixing water at a temperature of from 90°C to ~~180°C~~ 150°C, thereby forming a mixture of water and the reaction solution;

(c) separating the mixture of water and the reaction solution generated in (b) into an organic solvent solution layer and an aqueous solution layer;

(d) isolating each of the organic solvent solution and the aqueous solution layers obtained in (c); and

(e) performing:

(e-1) washing the isolated organic solvent solution obtained in (d) by admixing water at a temperature of from 90°C to ~~180°C~~ 150°C, thereby forming a mixture of the organic solvent solution and water,

(e-2) separating the mixture of the organic solvent solution and water generated in (e-1) into an organic solvent solution layer and an aqueous solution layer, and

(e-3) isolating each of the organic solvent solution and the aqueous solution layers obtained in (e-2),

and then recovering the (meth)acrylate-based polymer from the organic solvent solution isolated in (e-3),

wherein the performance of (e-1) through (e-3) is carried out once or multiple times, and

wherein the (meth)acrylate-based polymer is ~~a polymethacrylate,~~ a diblock copolymer composed of a methacrylate-based polymer block and an acrylate-based polymer block, or a triblock copolymer composed of a methacrylate-based polymer block, an acrylate-based polymer block and a methacrylate-based polymer block.

2 AUG 2010

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Alexandria, VA 22313-1450
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CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20006

In re Application of
Nguyen Kim et al.
Application No.: 11/996,436
PCT No.: PCT/EP2006/064504
Int. Filing Date: 21 July 2006
Priority Date: 22 July 2005
Attorney Docket No.: 13111-00073-US
For: Ampholytic Copolymer, Production Thereof, And Use Of The Same

DECISION

This is in response to the renewed submission under 37 CFR 1.497(d) filed on 25 May 2010.

DISCUSSION

In a Decision mailed on 25 February 2010, the request under 37 CFR 1.48 filed on 13 January 2009 was treated under 37 CFR 1.497(d). The declaration was not accepted, without prejudice, because

> The declaration filed on 22 January 2008 does not nominate the three inventors (Wendel, Vollmer and Kaiser) sought to be added. In addition, the declaration nominates "Son Nguyen Kim" in lieu of "NGUYEN-KIM, Son" nominated in the published international application, but no explanation of this discrepancy has been provided.

In response, counsel has presented a declaration nominating and signed by all of the inventors. Counsel indicates that "the spelling of Nguyen Kim with a hyphen as 'Nguyen-Kim' in the international application was merely an oversight, but that the international application readily identifies Son Nguyen Kim as an inventor." This appears to be a statement that the discrepancy was the result of a mere typographical or transliteration error. If such interpretation is incorrect, counsel is required to promptly notify this Office.

DECISION

The declaration filed on 25 May 2010 is **ACCEPTED** under 37 CFR 1.497(d), for purposes of compliance with 37 CFR 1.497(a) and (b).

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

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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.
11/996,510	01/23/2008	Yoshiaki Katsuno	038921.59771US	7880

7590 08/20/2010
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER
WAITS, ALAN B

ART UNIT	PAPER NUMBER
3656	

MAIL DATE	DELIVERY MODE
08/20/2010	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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 08/20/2010 NFARMER
08/29/2010 DJUHASUN 00000002 [illegible] 11996510
01 FC:2202 26.00 CR

FORM PET651G (Rev. 08/07)

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MAILED

AUG 11 2011

OFFICE OF PETITIONS

MICHAEL J. STRIKER
103 EAST NECK ROAD
HUNTINGTON NY 11743

In re Application of	:	
Uwe SKULTETY BETZ et al.	:	
Application No. 11/996,530	:	ON PETITION
Filed: May 29, 2008	:	
Attorney Docket No. 4217	:	

This is a decision on the renewed petition under 37 CFR 1.181, filed July 26, 2011, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the office letter mailed November 10, 2010, which set a shortened statutory period for reply of one (1) month. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on December 11, 2010.

Petitioner asserts the holding of abandonment be withdrawn as petitioner never received either the office letter mailed November 10, 2010.

To support this assertion petitioner has submitted: (1) a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and (2) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed. Accordingly, it is concluded that petitioner never received the office letter mailed November 10, 2010.

Application No. 10/879,460

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

Telephone inquiries concerning this decision should be directed to Wilson Lee at (571) 272-1824 or in his absence, the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 3662 for appropriate action on the concurrently filed amendment.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK NY 10016

MAILED

JUN 14 2011

OFFICE OF PETITIONS

In re Application of
Vittorio Enrico Avvedimento, et al.
Application No. 11/996,541
Filed: September 19, 2008
Attorney Docket No.: 128.1064

ON PETITION

This is a decision in response to the petition, filed May 24, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed February 18, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on May 19, 2010. A Notice of Abandonment was mailed on September 15, 2010. On May 24, 2011, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay[1].

The application is being referred to Technology Center AU 1646 for appropriate action by the Examiner in the normal course of business on the amendment received May 24, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of

DODDS, Gordan Ivan et al.
Application No. 11/996,556
Filed: February 24, 2009
Attorney Docket No. **2006982-0006**

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 November 10, 2010.

The request is **NOT APPROVED.**

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **FOLEY & LARDNER LLP**
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON, MA 02199-7610

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CONTINENTAL TEVES, INC.
ONE CONTINENTAL DRIVE
AUBURN HILLS MI 48326-1581

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FEB 28 2011

OFFICE OF PETITIONS

In re Application of :
RUDORFF, et al :
Application No. 11/996,634 : DECISION ON PETITION
Filed: January 24, 2008 :
Attorney Docket No. TM064 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 30, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed April 21, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 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 an election, (2) the petition fee of $1620; and (3) a statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

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

This application is being referred to Technology Center AU 2858 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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4000 LEGATO ROAD
SUITE 310
FAIRFAX, VA 22033

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OCT 26 2010

OFFICE OF PETITIONS

In re Application of :
Frederick W. Zeyfang :
Application No. 11/996,729 : NOTICE
Filed: January 24, 2008 :
Attorney Docket No.: 3914-0127PUS4 :

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.

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 to this communication should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: JAMES W. HELLWEGE
MUNCY, GEISSLER, OLDS & LOWE
P.O. BOX 1364
FAIRFAX, VA 22038

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PHARMACIA CORPORATION
c/o Pfizer Inc.
Eastern Point Road, MS9114
Groton CT 06340

MAILED
JUN 07 2011
PCT LEGAL ADMINISTRATION

In re Application of
GUT RUGGERI et al.
Application No.: 11/996,899
Attorney's Docket No.: PC032691A
PCT No.: PCT/IB2006/002048
Int. Filing Date: 17 July 2006
Priority Date: 29 July 2005
For: PYRROLO[2,3-D]PYRIMIDINE DERIVATIVES; THEIR INTERMEDIATES AND SYNTHESIS

DECISION

This decision is in response to applicants' petition under 37 CFR 1.182 filed 18 April 2011.

BACKGROUND

On 25 January 2008, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, a Transmittal Letter (Form PTO-1390), an Application Data Sheet (ADS), and a preliminary amendment. The international application number keyed into EFS-Web was PCT/IB06/24048. This international application number also appears on the Transmittal Letter. However, the international application number appearing in the ADS and preliminary amendment is PCT/IB2006/002048.

On 15 February 2011, a Notification was issued indicating that a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(f), to correct the above-stated error regarding the international application number was required.

On 23 February 2011, applicants submitted the instant petition under 37 CFR 1.182.

DISCUSSION

The petition fee has been paid. A review of the application file including counsel's statements in the instant submission reveals that the present application should in fact be the national stage application of international application **PCT/IB2006/002048**.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone (571) 272-3301

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

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FEB 29 2012

OFFICE OF PETITIONS

In re Application of :
Christian Baccelli et al. :
Application No. 11/996,918 : DECISION ON PETITION
Filed: September 29, 2008 : TO WITHDRAW
Attorney Docket No. 1292.1387101 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 16, 2012 and 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 January 26, 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

(12)特許協力条約に基づいて公開された国際出願

(19) 世界知的所有権機関
国際事務局

(43) 国際公開日
2004 年1 月15 日 (15.01.2004)

PCT

(10) 国際公開番号
WO 2004/005579 A1

(51) 国際特許分類[7]: C23C 28/00, 22/48

(21) 国際出願番号: PCT/JP2003/008429

(22) 国際出願日: 2003 年7 月2 日 (02.07.2003)

(25) 国際出願の言語: 日本語

(26) 国際公開の言語: 日本語

(30) 優先権データ:
特願2002-193282 2002 年7 月2 日 (02.07.2002) JP

(71) 出願人 (米国を除く全ての指定国について): 新日本製鐵株式会社 (NIPPON STEEL CORPORATION) [JP/JP]; 〒100-8071 東京都 千代田区大手町 二丁目６番３号 Tokyo (JP).

(72) 発明者; および
(75) 発明者/出願人 (米国についてのみ): 植田 浩平 (UEDA,Kouhei) [JP/JP]; 〒293-8511 千葉県 富津市 新富２０−１ 新日本製鐵株式会社 技術開発本部内 Chiba (JP). 金井 洋 (KANAI,Hiroshi) [JP/JP]; 〒293-8511 千葉県 富津市 新富２０−１ 新日本製鐵株式会社 技術開発本部内 Chiba (JP). 木全 芳夫 (KIMATA,Yoshio) [JP/JP]; 〒299-1141 千葉県 君津市 君津１番地 新日本製鐵株式会社 君津製鐵所内 Chiba (JP).

(74) 代理人: 青木 篤, 外(AOKI,Atsushi et al.); 〒105-8423 東京都 港区虎ノ門 三丁目５番１号 虎ノ門３７森ビル 青和特許法律事務所 Tokyo (JP).

(81) 指定国 (国内): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.

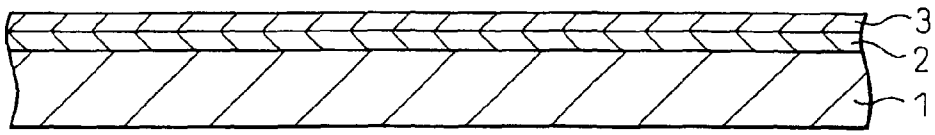
(84) 指定国 (広域): ARIPO 特許 (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), ユーラシア特許 (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), ヨーロッパ特許 (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO, SE, SI, SK, TR), OAPI 特許 (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

添付公開書類:
— 国際調査報告書

２文字コード及び他の略語については、定期発行される各PCTガゼットの巻頭に掲載されている「コードと略語のガイダンスノート」を参照。

(54) Title: PRECOAT METAL PLATE EXCELLENT IN PRESS WORKABILITY AND METHOD FOR PRODUCTION THEREOF

(54) 発明の名称: プレス成形性に優れるプレコート金属板及びその製造方法



(57) Abstract: A precoat metal plate excellent in press workability, characterized in that it has, on one or both surfaces of a metal plate, a chemical treatment coating layer comprising, as solid components, (a) at least one of a silane coupling agent and its hydrolyzed condensate, (b) a water-dispersible silica, (c) at least one of a zirconium compound and a titanium compound and (d) a water-soluble resin, and further, formed on the above coating layer, another coating layer comprising a resin component and an aluminum phosphate based pigment in an amount of 1 to 140 parts by mass relative to 100 parts of the solids in the resin component; and a method for producing the precoat metal plate.

(57) 要約: 固形分として、(a)シランカップリング剤又はその加水分解縮合物の少なくとも一方、(b)水分散性シリカ、(c)ジルコニウム化合物又はチタニウム化合物の少なくとも一方、(d)水溶性樹脂を必須成分として含む化成処理皮膜層を金属板の片面もしくは両面に有し、更にその上に、樹脂固形分100質量部に対してリン酸アルミ系顔料を1〜140質量部含む塗膜層を形成してなることを特徴とするプレス成形性に優れるプレコート金属板およびその製造方法である。

WO 2004/005579 A1

明　細　書

プレス成形性に優れるプレコート金属板及びその製造方法

発明の技術分野

本発明は、プレス成形性と耐食性に優れた表面処理金属材に関するものである。

背景技術

家電用、建材用、自動車用等に、従来の加工後塗装されていたポスト塗装製品に代わって、着色した塗膜を被覆したプレコート金属が使用されるようになってきている。この金属板は、金属用前処理を施した金属板に塗料を被覆したもので、塗料を塗装した後に切断しプレス成形されて使用されることが一般的である。そのため、塗膜が被覆されていない金属が露出する切断端面部の耐食性とプレス加工時の塗膜剥離がプレコート金属板の問題点となっていたが、金属用前処理としてクロメート処理を施し、且つ塗膜中に6価クロム系の防錆顔料を含有することでこれらの問題点が解決され、現在では汎用的に使用されている。

しかしながら、クロメート処理及び6価クロム系防錆顔料を含む塗料皮膜から溶出する可能性のある6価クロムの環境上の問題から、最近では6価クロムを含まないノンクロメート化成処理、ノンクロメート塗料皮膜に対する要望が高まっている。特開2001-316845号公報には、クロメート処理の代わりにシランカップリング剤及び/又はその加水分解縮合物、水分散性シリカ、ジルコニウム化合物及び/又はチタニウム化合物を含む化成処理を用いることで、加工性部密着性と耐食性に優れるプレコート金属板を提供する技術が開

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示されている。一方、特開平9-12931号公報では、6価クロム系防錆顔料の代わりに、リン酸系防錆顔料とイオン交換シリカ系防錆顔料とを併用したポリエステル系ならびにエポキシ系の塗料により切断端面部の耐食性に優れたプレコート鋼板を提供する技術が開示されている。

特開2001-316845号公報に開示されている化成処理技術は、エリクセン試験やT折り曲げ試験での加工部密着性には優れるもの、深絞り成形に代表されるプレス成形性を行うと、クロメート処理を施したプレコート金属板と比べて、塗膜がプレス金型にかじられて剥離しやすいという欠点を有していた。一方、特開平9-12931号公報に開示されている技術では、化成処理にリン酸亜鉛処理を用いており、加工部の塗膜密着性がクロメート処理を施したプレコート金属板と比べて不十分であり、またプレス成形を行うとプレス金型にかじられて塗膜が剥離しやすい欠点を有していた。

本発明は、従来技術における上記問題点を解決し、6価クロムを含まなくても耐食性に優れ、さらに、プレス成形性に優れるプレコート金属板及びその製造法を提供することをその目的とする。

発明の開示

発明者らは、(a)シランカップリング剤及び/又はその加水分解縮合物、(b)水分散性シリカ、(c)ジルコニウム化合物及び/又はチタニウム化合物を必須成分として含み、更に(d)水溶性樹脂を含む処理液から化成処理皮膜層を形成させ、更にその上に、リン酸アルミ系顔料含有する塗膜層を形成させることによって、耐食性は勿論のこと、プレス成形性にも極めて優れた複合皮膜が得られることを見出した。

プレス成形時にプレス金型に塗膜がかじられて剥離する現象は、

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プレス金型によりプレコート金属板の塗膜が高荷重で擦られて、この際に塗膜にせん断力が作用し、これにより塗膜が鋼板から剥離したり、塗膜自身が凝集破壊したりして欠陥となる現象である。前述の（ａ）、（ｂ）、（ｃ）、（ｄ）を含む化成処理皮膜層を被覆した鋼板上にリン酸アルミ系顔料を有する塗料を塗装し、乾燥硬化させると、塗膜の乾燥硬化過程において、化成処理皮膜層中の組成物である（ａ）、（ｂ）、（ｃ）、（ｄ）とその上に塗装した塗膜中のリン酸アルミとが化成処理層と塗膜層との界面で反応し、化成処理層と塗膜層との密着性が飛躍的に向上し、更には、塗膜中に含まれるリン酸アルミ特有の機械特性値の効果によって、塗膜の耐せん断応力性が高まり、これらの相乗効果によって、プレコート金属板の耐プレスカジリ性が飛躍的に向上するものと推定する。

本発明はかかる知見に基づいて完成されたもので、その要旨とするところは、以下の通りである。

(1) 固形分として、(a)シランカップリング剤又はその加水分解縮合物の少なくとも一方、(b)水分散性シリカ、(c)ジルコニウム化合物又はチタニウム化合物の少なくとも一方、及び(d)水溶性樹脂を必須成分として含む処理液を塗布・乾燥させてなる化成処理皮膜層を金属板の片面もしくは両面に有し、更にその上に、樹脂固形分100質量部に対してリン酸アルミ系顔料を1～140質量部含む塗膜層を形成してなることを特徴とするプレス成形性に優れるプレコート金属板。

(2) 前記処理液中に、更にリン酸イオンを含む上記(1)記載のプレス成形性に優れるプレコート金属板。

(3) 前記塗膜層中に含まれるリン酸アルミ系顔料がトリポリリン酸二水素アルミニウムである上記(1)記載のプレス成形性に優れるプレコート金属板。

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(4) 前記塗膜中に、リン酸アルミ系顔料に加えて防錆顔料を含み、且つリン酸アルミ系顔料と防錆顔料の合計含有量が樹脂固形分100質量部に対して140質量部以下である上記(1)又は(3)に記載のプレス成形性に優れるプレコート金属板。

(5) 前記塗膜中に含有される防錆顔料がカルシウムイオン交換性シリカである上記(4)記載のプレス成形性に優れるプレコート金属板。

(6) 金属板が、片面または両面にめっき層を有する金属板である上記(1)乃至(5)のいずれか1項に記載のプレス成形性に優れたプレコート金属板。

(7) 金属板の片面もしくは両面に、(a)シランカップリング剤及び/又はその加水分解縮合物、(b)水分散性シリカ、(c)ジルコニウム化合物及び/又はチタニウム化合物、及び(d)水溶性樹脂を必須成分として含む処理液を塗布し、乾燥させることで化成処理皮膜層を形成させ、更にその上に、樹脂固形分100質量部に対してリン酸アルミ系顔料を1～140質量部含有する塗料を塗布、乾燥硬化させることを特徴とするプレス成形性に優れるプレコート金属板の製造方法。

(8) 前記処理液が、更にリン酸イオンを含有する上記(7)に記載のプレス成形性に優れるプレコート金属板の製造方法。

(9) 前記塗料が、防錆顔料を更に含有し、該防錆顔料とリン酸アルミ系顔料の合計含有量が樹脂固形分100質量部に対して140質量部以下である上記(7)記載のプレス成形性に優れるプレコート金属板の製造方法。

(10) 上記(1)～(6)のいずれか１項に記載のプレコート金属板を切断し、さらにプレス成形して得られる、外観に塗膜層を有する成形品。

(11) 上記(1)～(6)のいずれか１項に記載のプレコート金属板を切

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断し、さらにプレス成形し、得られる成形品の塗膜層を除去することなく保持する、成形品の製造方法。

図面の簡単な説明

図１は、本発明のプレス成形性に優れるプレコート金属板の模式断面図である。図１において、１は金属板、２は化成処理皮膜層、３はプレコート塗膜層である。

図２は図１のプレコート金属板のプレス成形品の例の断面図である。図中の参照符号は図１におけると同じである。

発明の実施の形態

本発明者らは、プレス成形したときにプレス金型により塗膜がかじられにくいノンクロメートプレコート金属板について種々検討した結果、金属板の片面又は両面に、(a)シランカップリング剤又はその加水分解縮合物の少なくとも一方、(b)水分散性シリカ、(c)ジルコニウム化合物又はチタニウム化合物の少なくとも一方、及び(d)水溶性樹脂を必須成分として含む処理液を塗布・乾燥させてなる化成処理皮膜層を有し、更にその上にリン酸アルミニウム系顔料を含む塗膜層を形成してなるプレコート金属板とすることで、プレス成形時にプレス金型にかじられて塗膜が剥離する現象が飛躍的に改善されることを知見した。プレス成形時にプレス金型に塗膜がかじられて剥離する現象は、プレス金型によりプレコート金属板の塗膜が高荷重で擦られて、この際に塗膜に作用されるせん断力によるものと考えられる。そのため、これを改善する手段は、2つの方法が考えられる。第一に、塗膜と金属との密着力を高める方法であり、第二に、塗膜に作用するせん断力が塗膜剥離面である塗膜と金属原板との界面に伝達されにくくする方法である。本発明のプレコート

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金属板がプレス成形したときにプレス金型に塗膜がかじられにくい原因の詳細はわかっていないが、密着性が比較的高い化成処理層と密着性に効果を発揮するリン酸アルミ系顔料を含む塗膜層とを組み合わせることで、相乗効果により塗膜密着性が飛躍的に向上し、且つリン酸アルミ系顔料の有する固有の機械特性によりプレス成形時に塗膜に発生するせん断応力が塗膜と金属原板との界面に伝達されにくくなるためと推定される。

本発明のプレコート金属板の化成処理皮膜層は、(a)シランカップリング剤又はその加水分解縮合物の少なくとも一方、(b)水分散性シリカ、(c)ジルコニウム化合物又はチタニウム化合物の少なくとも一方、及び(d)水溶性樹脂を必須成分として含む処理液を塗布・乾燥させてなることを特徴とする。ここで、シランカップリング剤の加水分解縮合物とは、シランカップリング剤を原料とし、加水分解重合させたシランカップリング剤のオリゴマーのことをいう。

本発明で使用できる上記のシランカップリング剤として特に制限はないが、好ましいものとしては、例えば、ビニルメトキシシラン、ビニルトリメトキシシラン、ビニルエトキシシラン、ビニルトリエトキシシラン、3-アミノプロピルトリエトキシシラン、3-グリシドキシプロピルトリメトキシシラン、3-メタクリロキシプロピルトリメトキシシラン、3-メルカプトプロピルトリメトキシシラン、N-(1,3-ジメチルブチリデン(-3-(トリエトキシシリル)-1-プロパンアミン、N,N'-ビス[3-(トリメトキシシリル)プロピル]エチレンジアミン、N-(β-アミノエチル)-γ-アミノプロピルメチルジメトキシシラン、N-(β-アミノエチル)-γ-アミノプロピルトリメトキシシラン、γ-アミノプロピルトリメトキシシラン、γ-アミノプロピルトリエトキシシラン、γ-グリシドキシプロピルトリメトキシシラン、γ-グリシドキシプロピルトリエトキシシラン、γ-グリシドキ

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シプロピルメチルジメトキシシラン、2-(3,4-エポキシシクロヘキシル)エチルトリメトキシシラン、γ-メタクリロキシプロピルトリメトキシシラン、γ-メタクリロキシプロピルトリエトキシシラン、γ-メルカプトプロピルトリメトキシシラン、γ-メルカプトプロピルトリエトキシシラン、N-[2-(ビニルベンジルアミノ)エチル]-3-アミノプロピルトリメトキシシラン、等を挙げることができる。

特に好ましいシランカップリング剤は、ビニルメトキシシラン、ビニルエトキシシラン、3-アミノプロピルトリエトキシシラン、3-グリシドキシプロピルトリメトキシシラン、3-メタクリロキシプロピルトリメトキシシラン、3-メルカプトプロピルトリメトキシシラン、N-(1,3-ジメチルブチリデン)-3-(トリエトキシシリル)-1-プロパンアミン、N,N'-ビス[3-(トリメトキシシリル)プロピル]エチレンジアミンである。これらシランカップリング剤又はその加水分解縮合物は、1種類を単独で使用してもよいし、または2種類以上を併用してもよい。上記シランカップリング剤及びその加水分解縮合物は、金属板の耐食性及び密着性を向上させる作用を有する。

本発明で使用できる水分散性シリカとしては、特に限定されないが、ナトリウム等の不純物が少なく、弱アルカリ系である、球状シリカ、鎖状シリカ、アルミニウム修飾シリカが好ましい。球状シリカとしては、「スノーテックスN」、「スノーテックスUP」(いずれも日産化学工業社製)等のコロイダルシリカや、「アエロジル」(日本アエロジル社製)等のヒュームドシリカを挙げることができ、鎖状シリカとしては、「スノーテックスPS」(日産化学工業社製)等のシリカゲル、更にアルミニウム修飾シリカとしては、「アデライトAT-20A」(旭電化工業社製)等の市販のシリカゲルを用いることができる。水分散性シリカは、金属板の耐食性を向上させる作用を有する。

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本発明に使用できるジルコニウム化合物及び/又はチタニウム化合物としては、ジルコニウム化合物の例として、炭酸ジルコニルアンモニウム、ジルコンフッ化水素酸、ジルコンフッ化アンモニウム、ジルコンフッ化カリウム、ジルコンフッ化ナトリウム、ジルコニウムアセチルアセトナート、ジルコニウムブトキシド-1-ブタノール溶液、ジルコニウム-n-プロポキシド等が、また、チタニウム化合物の例として、チタンフッ化水素酸、チタンフッ化アンモニウム、シュウ酸チタンカリウム、チタンイソプロポキシド、チタン酸イソプロピル、チタンエトキシド、チタン-2-エチル-1-ヘキサノラート、チタン酸テトライソプロピル、チタン酸テトラ-n-ブチル、チタンフッ化カリウム、チタンフッ化ナトリウム等が挙げられる。上記化合物は単独で使用してもよいし、又は2種以上を併用してもよい。これらの化合物は、金属板の耐食性改善させると共に、加工密着性を向上させる作用を有する。

本発明に使用できる水溶性樹脂としては、一般に公知のもの、例えばアクリル系樹脂、ウレタン系樹脂、エポキシ系樹脂、エチレンアクリル共重合体、フェノール系樹脂、ポリエステル系樹脂、ポリオレフィン系樹脂、アルキド系樹脂、ポリカーボネート系樹脂等を用いることができるが、特に、アクリル系樹脂は、プレス成形したときにプレス金型により塗膜がかじられ難く、より好適である。水溶性アクリル樹脂は、アクリル酸及び/又はメタクリル酸を主成分とした共重合体で、アクリル酸メチル、アクリル酸エチル、メタクリル酸メチル、メタクリル酸エチル等やそれらの誘導体や、その他のアクリル系モノマーとの共重合体も使用可能である。特に、共重合体におけるアクリル酸及び/又はメタクリル酸モノマー割合が、70%以上であることが好ましい。更に、アクリル樹脂の分子量は質量平均で1万以上であることが好ましい。より好ましくは30万～200万

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である。200万超では粘度が高くなり、取り扱い作業の効率が低下する場合がある。これら水溶性樹脂は、加工密着性を改善させる作用があり、特に、折り曲げ密着性と深絞り性を向上させる。

本発明の化成処理皮膜層は、前記(a)シランカップリング剤又はその加水分解縮合物の少なくとも一方、(b)水分散性シリカ、(c)ジルコニウム化合物又はチタニウム化合物の少なくとも一方、及び(d)水溶性樹脂を必須成分として含む処理液を塗布し、乾燥させることで、化成処理皮膜層形成の作業性が良く、皮膜層の制御がしやすい。

処理液中のシランカップリング剤及び/又はその加水分解縮合物の添加量は特に限定するものではないが、処理液中に0.01～100g/Lの濃度で含まれているとより好適である。シランカップリング剤及び/又はその加水分解縮合物の含有量が0.01g/L未満になると、耐食性、塗膜層との密着性が不足する場合があり、100g/Lを越えると、添加効果が飽和し不経済となる。処理液を塗布・乾燥させてなる化成処理皮膜中には、シランカップリング材及び／又はその加水分解縮合物が反応して、シロキサン結合が存在していると好ましい。

また、水分散性シリカの含有量は特に限定するものではないが、処理液中に固形分で0.05～100g/Lの濃度であるとより好適である。水分散性シリカの含有量が0.05g/L未満では、耐食性向上の効果が不足する場合があり、100g/Lを越えると耐食性向上効果が見られず、逆に金属表面処理剤の浴安定性が低下する恐れがある。処理液を塗布・乾燥させてなる化成処理皮膜中には、シリカの含有量が皮膜固形分中に0.01～99.9質量％であると好適であり、より好ましくは１～60質量％である。

また、ジルコニウム化合物及び/又はチタニウム化合物の含有量も特に限定するものではないが、処理液中に、ジルコニウム及びチ

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タニウムの量として、それぞれ0.01～50g/Lの濃度で含まれているとより好適である。上記化合物の含有量がそれぞれ0.01g/L未満になると耐食性が不十分となる場合があり、50g/Lを越えると加工密着性能の向上効果が少なく、逆に浴安定性が低下する恐れがある。処理液を塗布・乾燥させてなる化成処理皮膜中には、ジルコニウム化合物及び／又はチタニウム化合物の含有量が皮膜固形分中に0.01～99.9質量％であると好適であり、より好ましくは１～50質量％である。

さらに、水溶性樹脂の添加量も特に限定するものではないが、処理液中に0.01～100g/Lの濃度であるとより好適である。水系樹脂の濃度が0.1g/L未満では、折り曲げ密着性を向上させる効果が不十分な場合があり、100g/Lを越えると、折り曲げ密着性と深絞り性の向上効果が飽和して不経済となる。処理液を塗布・乾燥させてなる化成処理皮膜中には、樹脂の含有量が皮膜固形分中に0.01～99.9質量％であると好適であり、より好ましくは１～80質量％である。

本発明に使用する処理液にリン酸イオン含むと、さらに耐食性を向上させることができ、より好適である。リン酸イオンの添加は、本発明の化成処理皮膜層を形成させるための化成処理液中において、リン酸イオンを形成することのできる化合物の添加により行うことができる。このような化合物としては、リン酸や、Na_3PO_4、Na_2HPO_4、NaH_2PO_4に代表されるリン酸塩類や、縮合リン酸、ポリリン酸、メタリン酸、ピロリン酸、ウルトラリン酸等の縮合リン酸又はそれらの塩類等、一般に公知のものが挙げられる。これら上記化合物は単独で使用してもよいし、又は2種以上を併用してもよい。化成処理液中のリン酸イオンの添加量は、本発明で使用する処理剤中に0.01～100g/Lの濃度であると好適である。添加量が0.01g/L未満では耐食性の改善効果が不十分な場合があり、また、100g/Lを越える

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と、亜鉛系めっき鋼材に過剰なエッチングを起こし性能低下を起こす場合があり、また、水溶性樹脂をゲル化する恐れがあるため好ましくない。処理液を塗布・乾燥させてなる化成処理皮膜中には、リン酸化合物としての含有量が皮膜固形分中に0.01～99.9質量％であると好適であり、より好ましくは１～40質量％である。

また、本発明に用いる処理液には、更に他の一般に公知の成分が配合されていてよい。例えば、耐食性を向上させるためにタンニン酸又はその塩、フィチン酸又はその塩、チオカルボニル基含有化合物等の一般に公知の防錆剤、その他一般に公知のレベリング剤、濡れ性向上剤、消泡剤を用いてもよい。また、性能が損なわれない範囲内でpH調整のために酸、アルカリ等を添加してもよい。

金属板に化成処理処理層を形成するには、上述の化成処理剤を金属板に塗布し、焼付乾燥すると製造効率が良く好適である。焼付温度としては、50～250℃がよい。50℃未満では、水分の蒸発速度が遅く、十分な成膜性が得られにくいので、防錆力が不足する場合がある。一方、250℃を超えると、有機物であるシランカップリング剤のアルキル部分や水溶性樹脂が熱分解等の変性を起こしやすく、密着性や耐食性が低下する場合がある。70～160℃がより好ましい。熱風乾燥では、50℃以上の到達板温で1秒～5分間の乾燥が、製造効率を落とさずに製造できるため、好ましい。

化成処理液の塗装方法は、特に限定されず、一般に公知の塗装方法、例えば、ロールコート、リンガーロールコート、エアースプレー、エアーレススプレー、浸漬等が採用できる。さらに、これらの塗布装置を完備した一般的コイルコーティングライン、シートコーティングラインと呼ばれる連続塗装ラインで塗布すると、塗装作業効率が良く大量生産が可能であるため、より好適である。

化成処理皮膜層の付着量は、固形分にして1～500mg/m^{2}であるこ

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とが好ましい。1mg/m^{2}未満では十分な加工密着性が確保されず、500mg/m^{2}を超えても、かえって加工密着性は低下することがある。

本発明のプレコート金属板において、化成処理皮膜層上の塗膜層を形成する樹脂は、水系、溶剤系、粉体系等いずれの形態のものでも良い。樹脂の種類としては一般に公知のもの、例えば、ポリアクリル系樹脂、ポリオレフィン系樹脂、ポリウレタン系樹脂、エポキシ系樹脂、ポリエステル系樹脂、ポリブチラール系樹脂、メラミン系樹脂等をそのまま、あるいは組み合わせて使用することができる。

本発明のプレコート金属板の塗膜層は、樹脂固形分100質量部に対してリン酸アルミ系顔料を1～140質量部含む必要がある。リン酸アルミ系顔料の添加量が1質量部未満であると、プレス成形時の金型による塗膜のかじりに対して効果が無く不適である。リン酸アルミ系顔料の添加量は、多いほどプレス成形時の塗膜のかじりに対してより効果を発揮し、より好適であるが、140質量部超ではプレコート金属板としての加工性が大きく劣るため、不適である。

このリン酸アルミ系顔料は、一般に公知のもの、例えば、トリポリリン酸二水素アルミニウム、メタリン酸アルミニウム等を使用することができるが、トリポリリン酸二水素アルミニウムが入手しやすくより好適である。トリポリリン酸二水素アルミニウムは市販のもの、例えば、テイカ社製の「K-WHITE」等を使用することができる。

本発明のプレコート金属板の塗膜層中に、リン酸アルミ系顔料に加えて防錆効果を発揮する防錆顔料をさらに添加すると、耐食性が向上して好適である。防錆顔料の添加量は多いほど効果を発揮するため好ましいが、リン酸アルミ系顔料と防錆顔料の合計含有量を樹脂固形分100質量部に対して140質量部以下とすることが好適である

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。リン酸アルミ系顔料と防錆顔料の合計添加量が140質量部を超えると、プレコート金属板を折り曲げたときの加工性が大きく劣る等の不具合が発生する場合がある。

本発明のプレコート金属板の塗膜層中に添加する防錆顔料は、一般に公知の防錆顔料を使用することができる。例えば、(1)リン酸亜鉛、リン酸鉄、等のリン酸系防錆顔料、(2)モリブデン酸カルシウム、モリンブデン酸アルミニウム、モリブデン酸バリウム等のモリブデン酸系防錆顔料、(3)酸化バナジウム等のバナジウム系防錆顔料、(4)ストロンチウムクロメート、ジンクロメート、カルシウムクロメート、カリウムクロメート、バリウムクロメート等のクロメート系防錆顔料、(5)水分散性シリカ、フュームドシリカ、カルシウムイオン交換性シリカ等の微粒シリカ、等を用いることができる。特に、(5)のシリカ系顔料の内、カルシウムイオン交換性シリカは環境上無害であり、且つ防錆効果が大きいため、これを防錆顔料として添加すると、より防錆効果が発揮されて好適である。カルシウムイオン交換性シリカはGrace社製の「Shieldex」を使用することができる。また、これらの防錆顔料は複数種併用して添加しても良い。しかし、(4)のクロメート系防錆顔料は、環境上問題があるため使用しないことが望ましい。

本発明のプレコート金属板の塗膜層中には、リン酸アルミ系顔料、防錆顔料に加えて、一般に体質顔料と呼ばれる公知の顔料や着色を目的とした着色顔料を併用して添加することができる。体質顔料とは、塗膜層の脆さや塗装後の隠蔽性等、塗膜に要求される諸性能を向上させるために添加する顔料の総称であり、塗膜の充填や艶消し等の役割を発揮するタルク、塗膜の隠蔽性を向上させるチタン白(酸化チタン)、塗膜の艶消しや塗膜のスクラッチ性を向上させるシリカ等が挙げられる。これらの体質顔料を添加すると、先に挙げた

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諸性能が向上し好適である。また、着色顔料としては、酸化チタン(TiO_2)、酸化亜鉛(ZnO)、酸化ジルコニウム(ZrO_2)、炭酸カルシウム($CaCO_3$)、硫酸バリウム($BaSO_4$)、アルミナ(Al_2O_3)、カオリンクレー、カーボンブラック、酸化鉄(Fe_2O_3、Fe_3O_4)等の無機顔料や、有機顔料等の一般に公知の着色顔料を用いることができる。これらの体質顔料や着色顔料は、効果の異なる複数種を併用して使用すると、それぞれの効果が発揮され、より好適である。体質顔料や着色顔料を添加する場合、リン酸アルミ系顔料、防錆顔料、体質顔料や着色顔料を合計した全顔料の添加量が、塗料中の樹脂固形分100質量部に対して140質量部以下であると好適である。全顔料の添加量が140質量部を超えると、プレコート金属板を折り曲げた時の加工性が大きく劣る等の不具合が発生する場合がある。

本発明のプレコート金属板のリン酸アルミ系顔料を含む塗膜の膜厚は、特に規定するものではないが、膜厚によって塗膜の諸性能が異なるため、必要に応じて適宜選定する必要があるが、1～50μmが好適である。1μm未満では、耐食性が低下する場合があり、また、50μmを超えると塗膜の加工性が低下する場合がある。

本発明のプレコート金属板のリン酸アルミ系顔料を含む塗膜層を形成するためには、予め樹脂固形分に対して本発明に規定された量の顔料を含む塗料を作製し、これを塗布して乾燥硬化させると製造効率が良いため、好適である。これらの塗料は、溶剤系塗料、水系塗料、溶融型塗料、粉体塗料、電着塗料、紫外線硬化型塗料、電子線硬化型塗料等のいずれの形態のものでも使用することができる。これら塗料の塗布方法は、一般に公知の塗布方法、例えば、ロールコート、カーテンフローコート、ローラーカーテンコート、ダイコート、エアースプレー、エアーレススプレー、電着塗装、粉体塗装、浸漬、バーコート、刷毛塗り等で行うことができる。特に、ロー

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ルコートやカーテンフローコート、ローラーカーテンコートを完備した一般的コイルコーティングライン、シートコーティングラインと呼ばれる連続塗装ラインで塗装すると、塗装作業効率が良く、大量生産が可能であるため、より好適である。この塗料の乾燥硬化方法は、熱風オーブン、直火型オーブン、塩赤外線オーブン、誘導加熱型オーブン等の一般に公知の乾燥硬化方法を用いることができる。また、塗料の形態が紫外線硬化型塗料の場合は一般に公知の紫外線照射装置、電子線硬化型塗料の場合は一般に公知の電子線照射装置を使用することができる。

本発明のプレコート金属板では、リン酸アルミ系顔料を含む塗膜層の上に、プレス成形性を阻害しない範囲で、更に上塗り塗膜層を設けることもできる。このようにすると、プレコート金属板の塗装外観の色調外観や意匠外観、その他の塗膜性能が向上するためより好適である。上塗り塗料の膜厚は特に規定するものではないが、1～50μmが好適である。1μm未満では、意匠外観が付与されない場合があり、また、50μmを超えると塗装ムラが発生する等して、外観を損ねたり、塗膜の加工性が低下する場合がある。また、上塗り塗料は必要に応じて2層以上塗装しても良い。上塗り塗膜層は一般に公知の上塗り塗料を塗装し、乾燥焼付して硬化させることで形成させることができる。一般に公知の上塗り塗料は、例えば、ポリエステル系上塗り塗料、エポキシ系上塗り塗料、ウレタン系上塗り塗料、アクリル系上塗り塗料、メラミン系上塗り塗料等が挙げられる。上塗り塗料は、溶剤系塗料、水系塗料、粉体塗料、電着塗料、紫外線硬化型塗料、電子線硬化型塗料等のいずれの形態のものでも使用することができる。上塗り塗料中には一般に公知の着色顔料や体質顔料、例えば、酸化チタン(TiO_2)、酸化亜鉛(ZnO)、酸化ジルコニウム(ZrO_2)、炭酸カルシウム($CaCO_3$)、硫酸バリウム($BaSO_4$)、ア

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ルミナ(Al_2O_3)、カオリンクレー、カーボンブラック、酸化鉄(Fe_2O_3、Fe_3O_4)、タルク、シリカ等を添加することができる。また、上塗り塗料は、一般に公知の意匠性塗料、例えば、ユズ肌調塗料、ちぢみ調塗料、ハンマートーン調塗料、マット調塗料、メタリック調塗料、パール調塗料、テクスチャー塗料等も使用することができる。上塗り塗料の塗装方法は、一般に公知の塗布方法、例えば、ロールコート、カーテンフローコート、ローラーカーテンコート、ダイコート、エアースプレー、エアーレススプレー、電着塗装、粉体塗装、浸漬、バーコート、刷毛塗り等で行うことができる。特に、ロールコートやカーテンフローコート、ローラーカーテンコートを完備した一般的コイルコーティングライン、シートコーティングラインと呼ばれる連続塗装ラインで塗装すると、塗装作業効率が良く大量生産が可能であるため、より好適である。上塗り塗料の乾燥焼付方法は、熱風オーブン、直火型オーブン、塩赤外線オーブン、誘導加熱型オーブン等の一般に公知の乾燥焼付方法を用いることができる。上塗り塗料が紫外線硬化型塗料の場合は一般に公知の紫外線照射装置、電子線硬化型塗料の場合は一般に公知の電子線照射装置を使用することができる。

本発明のプレコート金属板に用いる金属板は、特に限定するものではないが、例えば、冷延鋼板、熱延鋼板、ステンレス鋼板、アルミ板等の一般に公知の金属板や、これらの金属板に溶融亜鉛めっき、溶融合金化亜鉛めっき、アルミ系めっき、アルミ-亜鉛合金化めっき、アルミ-マグネシウム-亜鉛めっき、アルミ-マグネシウム-シリコン-亜鉛めっき、鉛-錫めっき等の溶融めっきや、電気亜鉛めっき、電気亜鉛-ニッケルめっき、電気亜鉛-鉄めっき、電気亜鉛-クロムめっき、錫系めっき、ニッケル系めっき、クロム系めっき等の電気めっきや、真空蒸着等のドライプロセスによるめっき処理を片

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面又は両面に施しためっき金属板を適用できる。特に、めっき層を有する金属板は、耐食性に優れるため、より好ましい。これらの金属板は、化成処理前に湯洗、アルカリ脱脂等の通常の処理を行ってから使用すればよい。

実施例

以下、実験に用いた供試材について詳細を説明する。

1. 金属板

実験の供試材には以下の金属原板を用いた。

(a) 溶融亜鉛めっき鋼板(GI):

板厚0.6mm、亜鉛付着量片面当り60g/m^2(両面めっき)

(b) 電気亜鉛めっき鋼板(EG):

板厚0.6mm、亜鉛付着量換算で片面当り20g/m^2(両面めっき)

(c) 55%合金化アルミ亜鉛めっき鋼板(GL):

板厚0.6mm、亜鉛付着量換算で片面当り90g/m^2(両面めっき)

(d) Zn-11%アルミ-3%マグネシウム-0.2%シリコンめっき鋼板(SD):

板厚0.6mm、亜鉛付着量換算で片面当り60g/m^2(両面めっき)

(e) 冷間圧延鋼板(CR):

板厚0.6mm

2. 化成処理液

実験の供試材に用いる化成前処理液として以下のものを作成した。

(a) 化成処理液(A):

シランカップリング剤を5g/L、水分散性シリカを1.0g/L、ジルコニウム化合物をジルコニウムイオンで0.5g/L、水系アクリル樹脂を25g/L含む水溶液を作成し、化成処理液とした。なお、シランカップリング剤にはγ-グリシドキシプロピルトリメトキシシラン、水

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分散性シリカには日産化学社製「スノーテック-N」、ジルコニウム化合物には炭酸ジルコニルアンモニウム、水系アクリル樹脂にはポリアクリル酸を用いた。

(b) 化成処理液(B):

シランカップリング剤を5g/L、水分散性シリカを1.0g/L、チタニウム化合物をチタニウムイオンで0.5g/L、水系アクリル樹脂を25g/L含む水溶液を作成し、化成処理液とした。なお、シランカップリング剤にはγ-グリシドキシプロピルトリメトキシシラン、水分散性シリカには日産化学社製「スノーテック-N」、チタニウム化合物にはチタンフッ化水素酸、水系アクリル樹脂にはポリアクリル酸を用いた。

(c) 化成処理液(C):

シランカップリング剤を5g/L、水分散性シリカを1.0g/L、ジルコニウム化合物をジルコニウムイオンで0.5g/L、水系アクリル樹脂を25g/L、リン酸を0.5g/L含む水溶液を作成し、化成処理液とした。なお、シランカップリング剤にはγ-グリシドキシプロピルトリメトキシシラン、水分散性シリカには日産化学社製「スノーテック-N」、ジルコニウム化合物には炭酸ジルコニルアンモニウム、水系アクリル樹脂にはポリアクリル酸を用いた。

(d) 化成処理液(D):

本発明の比較として、市販の塗布クロメート処理である日本パーカライジング社製「ZM-1300AN」を用いた。

(e) 化成処理液(E):

本発明の比較として、市販のリン酸亜鉛処理である日本パーカライジング社製「パルボンド」を用いた。

3. リン酸アルミ顔料含有塗料

顔料を全く含まない市販のポリエステル系、ウレタン系、エポキ

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シ系のクリヤー塗料に、リン酸アルミ系顔料と必要に応じて防錆顔料を添加し、攪拌することで、表1に示す組成の塗料を作成した。リン酸アルミ系顔料にはテイカ社製「K-G105」を使用した。防錆顔料には、リン酸亜鉛系防錆顔料として東邦顔料社製「NP-530」を(表1中には「リン酸Zn」と記載)、カルシウムイオン交換性シリカとしてGrace社製「Shieldex-C303」を(表1中には「Ca-Si」と記載)、クロム系防錆顔料として市販のストロンチウムクロメートを(表1中には「Sr-Cr」と記載)それぞれ使用した。各顔料の添加量は表1中に記載する。また、必要に応じて体質顔料として、市販の微粒シリカとして日本アエロジル社製「アエロジル300」(表1中には「シリカ」と記載)と、白色顔料である酸化チタンとして石原産業社製「CR-95」(表1中には「チタン白」と記載)を添加した。また、各顔料の添加量は表1中に記載する。

4. 上塗り塗料

市販のポリエステル系上塗り塗料である日本ペイント社製「FL100HQ」を使用した。色は白色系のものを使用した。

5. 裏面塗料

市販のポリエステル系上塗り塗料である日本ペイント社製「FL100HQ」を使用した。色はグレー色系のものを使用した。

6. プレコート金属板の作成方法

各種金属板をFC-364S(日本パーカライジング製)の2質量%濃度、60℃温度の水溶液中に10秒間浸漬することで脱脂を行い、水洗後、乾燥した。そして、化成処理液(A)、(B)、(C)及び(D)をロールコーターにて金属板の両面に塗布し、熱風乾燥炉で乾燥して化成処理皮膜層を得た。化成処理液の付着量は、化成処理液(A)、(B)の場合は、乾燥皮膜全体の付着量が25mg/m^{2}となるように処理した。化成処理液(C)の場合は、金属クロム換算で付着量が50mg/m^{2}となるように

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塗装した。化成処理液(D)の場合は、乾燥皮膜全体の付着量が200mg/m^2となるように処理した。化成処理液(E)を用いた試験片は、化成処理液(E)中に脱脂した金属板を2分間浸漬し、熱風乾燥炉にて乾燥して化成処理皮膜層を得た。化成処理(E)の付着量は、リン酸亜鉛の付着量が2g/m^2となるように被覆した。化成処理乾燥時の到達板温は60℃とした。

次に、化成処理をした各種金属板の片面に、リン酸アルミ系顔料を含む塗料をロールコーターにて乾燥後の膜厚が5μmとなるように塗装し、更に他方の面には裏面塗料をロールコーターにて塗装乾燥後の膜厚で5μmとなるように塗装し、熱風を吹き込んだ誘導加熱炉にて金属板の到達板温が210℃となる条件で乾燥硬化することで塗膜層を得た。乾燥焼付後に塗装された金属板へ水をスプレーし、水冷した。更に、リン酸アルミ系顔料を含む塗膜層上に、上塗り塗料をロールコーターにて乾燥後の膜厚が15μmとなるように塗装し、熱風を吹き込んだ誘導加熱炉にて金属板の到達板温が230℃となる条件で乾燥焼付した。乾燥焼付後に塗装された金属板へ水をスプレーし、水冷することで、供試材であるプレコート金属板を得た。

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表1

	No.	金属板	化成処理	リン酸アルミ系顔料を含む塗料組成						
				樹脂の種類	リン酸アルミ系顔料の添加量（樹脂固形分100質量部に対する質量部）	防錆顔料		体質顔料		全顔料の合計添加量（樹脂100質量部に対する質量部）
						種類	添加量（樹脂100質量部に対する質量部）	種類	添加量（樹脂100質量部に対する質量部）	
本発明例	1	GI	A	ポリエステル	20	Ca-Si	50	未添加	—	80
	2	GI	B	ポリエステル	20	Ca-Si	50	未添加	—	80
	3	GI	C	ポリエステル	1	未添加	—	未添加	—	1
	4	GI	C	ポリエステル	10	未添加	—	未添加	—	10
	5	GI	C	ポリエステル	20	未添加	—	未添加	—	20
	6	GI	C	ポリエステル	50	未添加	—	未添加	—	50
	7	GI	C	ポリエステル	100	未添加	—	未添加	—	100
	8	GI	C	ポリエステル	140	未添加	—	未添加	—	140
	9	GI	C	ポリエステル	20	Ca-Si	10	未添加	—	30
	10	GI	C	ポリエステル	20	Ca-Si	20	未添加	—	40
	11	GI	C	ポリエステル	20	Ca-Si	50	未添加	—	70
	12	GI	C	ポリエステル	20	Ca-Si	100	未添加	—	120
	13	GI	C	ポリエステル	20	Ca-Si	50	シリカ	10	80
	14	GI	C	ポリエステル	20	Ca-Si	100	シリカ	40	160
	15	GI	C	ポリエステル	20	Ca-Si	50	チタン白	10	80
	16	GI	C	ポリエステル	20	リン酸Zn	50	未添加	—	70
	17	GI	C	ウレタン	20	Ca-Si	50	未添加	—	70
	18	GI	C	エポキシ	20	Ca-Si	50	未添加	—	70
	19	EG	C	ポリエステル	20	Ca-Si	50	未添加	—	70
	20	GL	C	ポリエステル	20	Ca-Si	50	未添加	—	70
	21	SD	C	ポリエステル	20	Ca-Si	50	未添加	—	70
	22	CR	C	ポリエステル	20	Ca-Si	50	未添加	—	70
比較例	23	GI	C	ポリエステル	未添加	未添加	—	未添加	—	0
	24	GI	C	ポリエステル	150	未添加	—	未添加	—	150
	25	GI	C	なし	未添加	未添加	—	未添加	—	0
	26	GI	D	ポリエステル	20	Ca-Si	50	未添加	—	70
	27	GI	D	ポリエステル	20	Sr-Cr	50	未添加	—	70
	28	GI	E	ポリエステル	20	Ca-Si	50	未添加	—	70

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このようにして作成したプレコート金属板について、以下の評価試験を実施した。なお、いずれの試験についても、リン酸アルミ系顔料を含む塗料を塗装した面を評価面として試験を実施した。

1. 塗膜加工密着性試験

作成したプレコート金属板を、180°折り曲げ加工を実施し、加工部の塗膜を20倍ルーペで観察し、塗膜の割れの有無を調べた。なお、折り曲げ試験の際には、リン酸アルミ系顔料を含む塗料を塗装した面が外側となるように曲げ加工を実施した。また、加工部に粘着テープを貼り付け、これを勢い良く剥離したときの塗膜の残存状態を目視にて観察した。なお、この試験では2回テープ剥離を実施した。折り曲げ加工は、20℃雰囲気中で、0T加工とした。

塗膜割れの評価は、塗膜割れの全くない時を◎、塗膜に極小さな割れが1～3個程度ある時を○、塗膜に極小さな割れが全面にある時を△、塗膜に目視でも明確な大きな割れが加工部全面にある時を×として評価した。

また、テープで剥離後の塗膜残存状態の評価は、全く剥離せずに金属板上に残存している場合を◎、塗膜が部分的に僅かに剥離している場合を○、塗膜が部分的に激しく剥離している場合を△、折り曲げ加工部のほぼ全面にわたって剥離が認められる場合を×と評価した。

さらに、プレコート金属板を0T加工した後、沸騰水に1時間浸漬し、取り出して24時間放置後に塗膜の加工部テープ剥離を行った。塗膜残存状態の評価は、全く剥離せずに金属板上に残存している場合を◎、塗膜が部分的に僅かに剥離している場合を○、塗膜が部分的に激しく剥離している場合を△、折り曲げ加工部のほぼ全面にわたって剥離が認められる場合を×と評価した。

2. ビードによる塗膜かじり試験

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プレコート金属板をプレス成形したときに、プレス金型でプレコート金属板の塗膜がかじることによって発生する塗膜の剥離を再現する試験方法である「ビードによる塗膜かじり試験法」(公開技報96-1078)を実施した。まず、作成したプレコート金属板を30mm(幅)×300mm(長さ)の試験片に切り出し、この試験片を平面の金型と半径4mmRのビードを設けた金型とで挟み込む。この際に試験片のリン酸アルミ系顔料を含む塗料を塗装した面(評価面)に金型のビードが押し付けられるように挟み込み、さらに1tonの荷重を加えて金型のビード部をプレコート金属板の評価面に押し付けた。この状態で、プレコート金属板を200mm/minの速度で引き抜き、ビードにて擦られたプレコート金属板の評価面の塗膜剥離状態を目視にて観察し、評価した。

評価は、塗膜が全く剥離していない場合を◎、極部分的に剥離している場合を○、ビードで擦られた部分の面積率にして20%程度以上が剥離している場合を△、全面剥離している場合を×とした。

3. 耐食性試験

作成したプレコート金属板のリン酸アルミ系顔料を含む塗料を塗装した面に、カッターにて塗膜を貫通して金属原板まで貫通するカット傷を入れ、更に、端面部については、切断時の返り(バリ)が裏面塗料を塗装した面にくるように(下バリとなるように)切断して、耐食性試験用サンプルを作成した。そして、JIS K5400の9.1記載の方法で、塩水噴霧試験を実施した。塩水は、リン酸アルミ系顔料を含む塗料を塗装した面に噴霧した。試験時間は、プレコート金属板の原板が冷間圧延鋼板の場合には120時間、電気亜鉛めっき鋼板の場合には240時間、溶融亜鉛めっき鋼板、55%合金化アルミ亜鉛めっき鋼板、Zn-11%アルミ-3%マグネシウム-0.2%シリコンめっき鋼板の場合には360時間とした。

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カット部の塗膜の評価方法は、カット片側の最大膨れ幅が1mm未満の場合に◎、2mm以上3mm未満の場合に○、3mm以上5mm未満の場合に△、5mm以上の場合に×と評価した。

また、切断端面部の評価方法は、端面からの膨れ幅が2mm以内の場合には◎、2mm以上3mm未満の場合には○、3mm以上5mm未満の場合には△、5mm以上の場合には×と評価した。

以下、評価結果について詳細を記載する。

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表 2

	No.	評価試験結果						備考
		塗膜加工密着試験			ビードによる塗膜かじり試験	耐食性試験		
		亀裂評価	剥離評価	耐水評価		カット部	端面部	
本発明例	1	◎	◎	◎	◎	◎	○	—
	2	◎	◎	◎	◎	◎	○	—
	3	◎	◎	◎	○	○～△	△	—
	4	◎	◎	◎	○	○～△	△	—
	5	◎	◎	◎	◎	○～△	△	—
	6	◎	◎	◎	◎	○～△	△	—
	7	◎	◎	◎	◎	○～△	△	—
	8	○	◎	◎	◎	○～△	△	—
	9	◎	◎	◎	◎	○	○～△	—
	10	◎	◎	◎	◎	◎	○	—
	11	◎	◎	◎	◎	◎	◎	—
	12	◎	◎	◎	◎	◎	◎	—
	13	◎	◎	◎	◎	◎	◎	ｽｸﾗｯﾁ性が向上
	14	△	◎	◎	◎	◎	◎	ｽｸﾗｯﾁ性が向上
	15	◎	◎	◎	◎	◎	◎	白色度が向上
	16	◎	◎	◎	◎	○	○～△	—
	17	◎	◎	◎	◎	◎	◎	—
	18	◎	◎	◎	◎	◎	◎	—
	19	◎	◎	◎	◎	◎	◎	—
	20	◎	◎	◎	◎	◎	◎	—
	21	◎	◎	◎	◎	◎	◎	—
	22	◎	◎	◎	◎	◎	◎	—
比較例	23	◎	◎	◎	×	×	×	ﾘﾝ酸ｱﾙﾐ無添加
	24	△	◎	○	◎	△	×	ﾘﾝ酸ｱﾙﾐ過剰添加
	25	△	◎	○	×	△～×	×	ﾘﾝ酸ｱﾙﾐ含有塗膜無し
	26	◎	◎	◎	◎	◎	◎	ｸﾛﾒｰﾄ系化成処理
	27	◎	◎	◎	◎	◎	◎	ｸﾛﾒｰﾄ系化成処理
	28	○	○	△	×	△	△	ﾘﾝ酸亜鉛系化成処理

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作成したプレコート金属板の評価試験結果を表2に記載する。本発明のプレコート金属板(本発明例-No.1～22)は、リン酸亜鉛処理等の従来のノンクロメート化成処理を用いたもの(比較例-No.28)と比べて、ビードによる塗膜のかじり試験で塗膜が剥離しにくく好適である。更に、化成処理皮膜上の塗膜層にリン酸アルミ系料が未添加のもの(比較例-No.23)やリン酸アルミ系顔料が樹脂固形分100質量部に対して1質量部未満のもの(比較例-No.24)と比べても、ビードによる塗膜のかじり試験で塗膜が剥離しにくく好適である。また、本発明のプレコート金属板は、化成処理皮膜層中にリン酸イオンを含むことで、耐食性が向上し、より好適である(本発明例-No.1、No.11との比較)。塗料中にリン酸アルミ系顔料に加えて防錆性顔料を添加したもの(本発明例-No.9～16)は、添加していないもの(本発明例-No.3～8)に比べて、耐食性が向上し好適である。特に、防錆顔料がカルシウムイオン交換性シリカ(本発明例-No.1、2、9～15、17～22)であると耐食性がより向上し、しかも、従来のクロメート系化成処理をしたもの(比較例-No.26、27)と同等の耐食性を有するため、好適である。

産業上の利用可能性

本発明により、環境上の影響が懸念される6価クロムを使用せずに、塗膜の加工密着性、耐食性に優れ、プレス成形に非常に適したプレコート金属板を提供することが可能となった。従って、本発明は、工業的価値の極めて高いものであるといえる。

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請　求　の　範　囲

1．固形分として、(a)シランカップリング剤又はその加水分解縮合物の少なくとも一方、(b)水分散性シリカ、(c)ジルコニウム化合物又はチタニウム化合物の少なくとも一方、及び(d)水溶性樹脂を必須成分として含む処理液を塗布・乾燥させてなる化成処理皮膜層を金属板の片面もしくは両面に有し、更にその上に、樹脂固形分100質量部に対してリン酸アルミ系顔料を1～140質量部含む塗膜層を形成してなることを特徴とするプレス成形性に優れるプレコート金属板。

2．前記処理液中に、更にリン酸イオンを含む請求項1記載のプレス成形性に優れるプレコート金属板。

3．前記塗膜層中に含まれるリン酸アルミ系顔料がトリポリリン酸二水素アルミニウムである請求項1記載のプレス成形性に優れるプレコート金属板。

4．前記塗膜中に、リン酸アルミ系顔料に加えて防錆顔料を含み、且つリン酸アルミ系顔料と防錆顔料の合計含有量が樹脂固形分100質量部に対して140質量部以下である請求項1又は3に記載のプレス成形性に優れるプレコート金属板。

5．前記塗膜中に含有される防錆顔料がカルシウムイオン交換性シリカである請求項4記載のプレス成形性に優れるプレコート金属板。

6．金属板が、片面又は両面にめっき層を有する金属板であることを特徴とする請求項1乃至5のいずれか1項に記載のプレス成形性に優れたプレコート金属板。

7．金属板の片面もしくは両面に、(a)シランカップリング剤及び/又はその加水分解縮合物、(b)水分散性シリカ、(c)ジルコニウ

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ム化合物及び/又はチタニウム化合物、及び(d)水溶性樹脂を必須成分として含む処理液を塗布し、乾燥させることで化成処理皮膜層を形成させ、更にその上に、樹脂固形分100質量部に対してリン酸アルミ系顔料を1～140質量部含有する塗料を塗布、乾燥硬化させることを特徴とするプレス成形性に優れるプレコート金属板の製造方法。

８．前記処理液が、更にリン酸イオンを含む請求項7に記載のプレス成形性に優れるプレコート金属板の製造方法。

９．前記塗料が、防錆顔料を更に含有し、該防錆顔料とリン酸アルミ系顔料の合計含有量が樹脂固形分に対して140質量部以下である請求項7記載のプレス成形性に優れるプレコート金属板の製造方法。

１０．請求項１～６のいずれか１項に記載のプレコート金属板を切断し、さらにプレス成形して得られる、外観に塗膜層を有する成形品。

１１．請求項１～６のいずれか１項に記載のプレコート金属板を切断し、さらにプレス成形し、得られる成形品の塗膜層を除去することなく保持する、成形品の製造方法。

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Fig.1

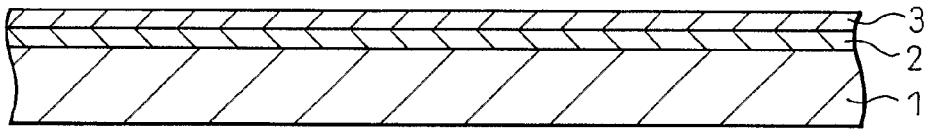
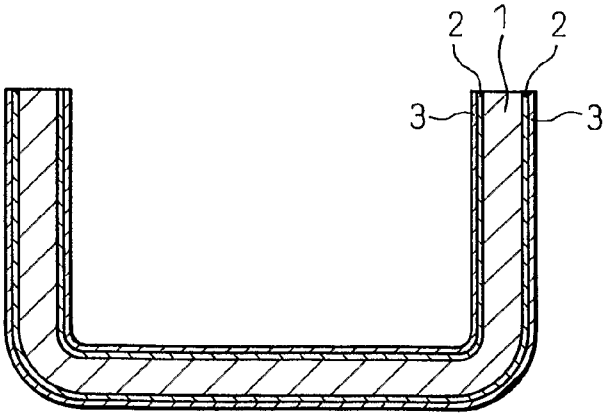


Fig.2



11/29/2011, EAST Version: 2.4.2.1

INTERNATIONAL SEARCH REPORT

International application No.
PCT/JP03/08429

A. CLASSIFICATION OF SUBJECT MATTER
Int.Cl[7] C23C28/00, 22/48

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
Int.Cl[7] C23C28/00, 22/48

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Jitsuyo Shinan Koho	1926-1996	Toroku Jitsuyo Shinan Koho	1994-2003
Kokai Jitsuyo Shinan Koho	1971-2003	Jitsuyo Shinan Toroku Koho	1996-2003

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 2001/0042491 A1 (Toshiaki SHIMAKURA), 22 November, 2001 (22.11.01), Par. Nos. [0006] to [0012], [0037] to [0039] & JP 2001-316845 A Par. No. [0006]	1-11
Y	JP 2000-265282 A (Nippon Steel Corp.), 26 September, 2000 (26.09.00), Par. No. [0029] (Family: none)	1-11

☐ Further documents are listed in the continuation of Box C. ☐ See patent family annex.

* Special categories of cited documents:
"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier document but published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed
"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
02 October, 2003 (02.10.03)	21 October, 2003 (21.10.03)
Name and mailing address of the ISA/ Japanese Patent Office	Authorized officer
Facsimile No.	Telephone No.

Form PCT/ISA/210 (second sheet) (July 1998)

国際調査報告

国際出願番号　PCT／JP03／08429

A.　発明の属する分野の分類（国際特許分類（IPC））

Int. Cl[7] C23C 28／00, 22／48

B.　調査を行った分野

調査を行った最小限資料（国際特許分類（IPC））

Int. Cl[7] C23C 28／00, 22／48

最小限資料以外の資料で調査を行った分野に含まれるもの
日本国実用新案公報　1926—1996年
日本国公開実用新案公報　1971—2003年
日本国登録実用新案公報　1994—2003年
日本国実用新案登録公報　1996—2003年

国際調査で使用した電子データベース（データベースの名称、調査に使用した用語）

C.　関連すると認められる文献

引用文献のカテゴリー＊	引用文献名　及び一部の箇所が関連するときは、その関連する箇所の表示	関連する請求の範囲の番号
Y	US 2001／0042491 A1 (Toshiaki SHIMAKURA) November 22, 2001, 【0006】—【0012】欄, 【0037】—【0039】欄 & JP 2001—316845 A 【0006】欄	1—11
Y	JP 2000—265282 A (新日本製鐵株式会社) 2000.09.26, 【0029】欄 (ファミリーなし)	1—11

☐ C欄の続きにも文献が列挙されている。　☐ パテントファミリーに関する別紙を参照。

＊ 引用文献のカテゴリー
「A」特に関連のある文献ではなく、一般的技術水準を示すもの
「E」国際出願日前の出願または特許であるが、国際出願日以後に公表されたもの
「L」優先権主張に疑義を提起する文献又は他の文献の発行日若しくは他の特別な理由を確立するために引用する文献（理由を付す）
「O」口頭による開示、使用、展示等に言及する文献
「P」国際出願日前で、かつ優先権の主張の基礎となる出願の日の後に公表された文献
「T」国際出願日又は優先日後に公表された文献であって出願と矛盾するものではなく、発明の原理又は理論の理解のために引用するもの
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「&」同一パテントファミリー文献

国際調査を完了した日	国際調査報告の発送日
02.10.03	21.10.03

国際調査機関の名称及びあて先	特許庁審査官（権限のある職員）		
日本国特許庁（ISA／JP） 郵便番号100—8915 東京都千代田区霞が関三丁目4番3号	鈴木正紀 印	4E	8520
	電話番号　03—3581—1101　内線　3424		

様式PCT／ISA／210（第2ページ）（1998年7月）

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PCT LEGAL ADMINISTRATION

ADELI & TOLLEN, LLP
11940 San Vicente Blvd., Suite 100
LOS ANGELES CA 90049

In re Application of :
LAUNAY, Claude, et al. :
Application No.: 11/996,960 :
PCT No.: PCT/EP2006/064505 : DECISION
Int. Filing Date: 21 July 2006 :
Priority Date: 28 July 2005 : ON PETITION UNDER
Docket No.: REGM.P0002 :
For: CAPACITIVE SENSOR FOR MORPHOLOGICAL DISCRIMINATION OF A MOTOR VEHICLE SEAT OCCUPANT : 37 CFR 1.47(a)

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 08 February 2011.

BACKGROUND

On 26 January 2011, the Office mailed Notice to File Corrected Application Papers, indicating that an oath or declaration of Joaquim Da Silva was required.

On 08 February 2011, applicants filed a petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (2), (3) and (4) have been satisfied. The petition fee has been paid. Applicants state that the inventor was presented with a complete copy of the application papers, including the declaration, but that a signed declaration has not been returned. Applicant states the last known address of Joaquim Da Silva as 8 route de Louan, 45240 SENNELY, France. The declaration complies with 37 CFR 1.497(a)-(b).

The Notice of Acceptance mailed 28 May 2008, issued prematurely but is now confirmed.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being referred to Technology Center 2855 for further processing consistent with this decision.

/Erin P. Thomson/

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UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 05 2011

PCT LEGAL ADMINISTRATION

Joaquim Da Silva
8 route de Louan
45240 SENNELY
France

In re Application of
LAUNAY, Claude, et al.
Application No.: 11/996,960
PCT No.: PCT/EP2006/064505
Int. Filing Date: 21 July 2006
Priority Date: 28 July 2005
Docket No.: REGM.P0002
For: CAPACITIVE SENSOR FOR MORPHOLOGICAL DISCRIMINATION OF A MOTOR VEHICLE SEAT OCCUPANT

Dear Mr. Da Silva:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

ADELI & TOLLEN, LLP
11940 San Vicente Blvd., Suite 100
LOS ANGELES CA 90049

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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ALTIS LAW GROUP, INC.
ATTN: STEVEN REISS
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

MAILED

JAN 07 2011

OFFICE OF PETITIONS

In re Application of	:	
Chiang, Chwan-Hwa	:	DECISION ON PETITION
Application No. 11/996,969	:	TO WITHDRAW
Filed: December 28, 2007	:	FROM RECORD
Attorney Docket No. US16801	:	

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 **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 22913 was revoked by the assignee of the patent application on December 15, 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: BRADLEY ARANT BOULT CUMMINGS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1819 FIFTH AVENUE NORTH
BIRMINGHAM, AL 35203-2104

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Date Mailed : January 12, 2012

Patent No. :7970143
Inventor :Ravigopal Vennelakanti et al.
Patent Issued :Jun. 28, 2011
Title :SYSTEM, METHOD AND APPARATUS TO OBTAIN A KEY FOR ENCRYPTION/
:DESCRIPTION/DATA RECOVERY FROM AN ENTERPRISE CRYPTOGRAPHY
:KEY MANAGEMENT SYSTEM

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) 37 CFR 1.322 and 1.323.

Accordingly, applicants request is not warranted entry due to non-compliance with filing for requesting corrections to the Letters Patent. Accordingly, applicants request is considered illegible, therefore improperly submitted.

To have further considered proposed changes applicant may resubmit a request under 37 CFR 1.322 and/or 1.323 which clearly identifies on the PTO-1050 form the point of reference as presented in the printed patent by use of column and line numbers as well as directives e.g. add, delete. For more detailed instructions concerning formatting and procedures for requesting corrections under 37 CFR 1.322/1.323 see MPEP 1485.

Any resubmission should have clear legible data reflected on the PTOL-306 form, formulas should have larger fonts where necessary for clarity. Further correspondence concerning this matter should be filed and directed to Decisions & Certificate of Correction Branch. Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (571) 272-9005.

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (571) 272- 9005

Hewlett Packard Company
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
Fort Collins, CO 80528

/arg

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GENOMICS INSTITUTE OF THE
NOVARTIS RESEARCH FOUNDATION
10675 JOHN JAY HOPKINS DRIVE, SUITE E225
SAN DIEGO CA 92121-1127

MAILED

DEC 0 1 2010

OFFICE OF PETITIONS

In re Application of
Yongping XIE, et al
Application No. 11/997,113
Filed: April 24, 2008
Attorney Docket No. PAT034443-US-PCT

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before October 21, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed July 21, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 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 $1510 and publication fee of $300; (2) the petition fee of $1620; and (3) the required statement of unintentional delay.

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

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

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

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/997,136	05/23/2008	Jose Luis Diaz-Fernandez	HERR6.002APC	3407

20995 7590 02/29/2012

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

EXAMINER	
ROZOF, TIMOTHY R	
ART UNIT	**PAPER NUMBER**
1625	

NOTIFICATION DATE	DELIVERY MODE
02/29/2012	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):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

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FEB 2 9 2012

Intellectual Property Group
KNOBBE, MARTENS, OLSEN & BEAR, LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

In re Application of
Diaz-Fernandez et al.
Serial No.: 11/997,136
Filed: May 23, 2008
Attorney Docket No.: HERR6.002APC

Decision on Petition

This letter is in response to the Petition of October 31, 2011 under 37 CFR 1.144 to request the supervisory authority of the Commissioner in a matter involving an *ex parte* restriction requirement.

BACKGROUND

On May 23, 200/, the present application was filed under 35 USC 371 as a national stage application of PCT application PCT/EP06/07358, filed on July 26, 2006. The present application was filed with 10 claims.

On May 13, 2011, the Examiner issued a Requirement for Restriction ("Requirement") requiring an election of one of elective Groups I-VI, and an election of species requiring election of a specific chemical structure by way of electing particular R groups in the chemical formula presented in the claims.

In view of the filing of the application under 35 USC 371 as a national stage application, the Examiner asserted that the Unity of Invention equivalent for the U.S. Restriction was being applied as required by 37 CFR 1.499. See also, MPEP § 1893.03(d). The Examiner asserted that the election is justified on the basis that the compositions of the various inventive Groups do not share a common special technical feature in view of teachings of asserted prior art.

On June 13, 2011, the Applicant elected Group III, and a particular chemical species, with traverse. In the election, the Applicant traversed the restriction on the basis that the art cited by the Examiner did not break unity among the groups of inventions identified in the Restriction.

A first action on the merits (First Action) was mailed on July 29, 2011. In the first action, the Examiner withdrew claims 4, 5, 7, and 8 as being drawn to a non-elected invention; and withdrew claims 10-12 as being drawn to non-elected species. Page 2. In Response to the arguments in traversal, the Examiner asserted that the prior art did in fact apply. It is not clear that this is in fact the case as no rejection over that cited art was in fact made in the First Action. However, the First Action did reject claims 1, 2, and 6 as anticipated by The Drescher reference identified in the Petition as prior art under 35 USC § 102(e).

On October 31, 2011, the Applicant submitted an Amendment to the application and arguments with respect to the First Action, and the present Petition in which the Applicant requests that the Restriction Requirement be withdrawn in view of amendments to the claims which avoid the prior art applied in the First Action.

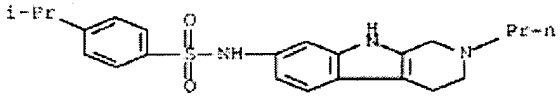
DISCUSSION

The application, file history, and petition filed on October 31, 2011 to request review of the restriction requirement has been considered.

Applicant notes that ISPE 10.07, and MPEP 1850 II, indicates that "[if] independent claims avoid the prior art and satisfy the requirement of unity of invention, no problem of lack of unity arises in respect of any claims that depend on the independent claims." In view of this, the Applicant asserts that the claims as amended in the Amendment submitted with the Petition.

In the present instance, at least claim 1, even as amended, is anticipated by prior art.

In First Action, the Examiner asserts that the following compound (wherein R^c is hydrogen and R^d is phenyl substituted with isopropyl) anticipates the present claims:



(hereinafter- the Drescher compound). See, First action, page 11. This compound is disclosed in Example 11 of each of Drescher WO document cited by the Examiner, and the prioity U.S. provisional application 60/618744. See, the chemical formula disclosed on page 11 of WO 2006/040180, and page 41 of the priority provisional application.

The Applicant asserts that the amendment to claim 1 presented on page 3 of the Petition avoids the prior art. This amendment requires that, when R^c is hydrogen, R^d is must be other than one of a number of compounds. None of the excluded embodiments of R^d is phenyl substituted with isopropyl (the R^d of the Drescher compound). The amendment therefore fails to overcome the art rejection applied by the examiner.

As claim 1 of the application is anticipated by the Drescher compound, the formula of claim 1 fails to represent a special common technical feature over the prior art. In view of this, the art rejection stands, and the cited reference is sufficient to break unity.

DECISION

For these reasons above, the petition under 37 C.F.R. 1.144 is **DENIED**.

A request for reconsideration for this petition decision should be filed under 37 CFR 1.181 within 2 months of the mailing date of this decision.

Should there be any questions regarding this decision, please contact Supervisory Patent Examiner Zachariah Lucas, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 703-872-9306.

Daniel Sullivan
Director, Technology Center 1600

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Intellectual Property Dept.
Dewitt Ross & Stevens SC
2 East Mifflin Street
Suite 600
Madison WI 53703-2865

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DEC 19 2011
OFFICE OF PETITIONS

In re Application of	:	
Harding et al.	:	
Application No. 11/997145	:	
Filing or 371(c) Date: 05/30/2008	:	ON PETITION
Title of Invention:	:	
ATOM PROBE EVAPORATION	:	
PROCESSES	:	

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

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

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

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

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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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.
11/997,173	01/29/2008	Jerome Emile Georges Guillemont	PRD2516USPCT	3759

27777 7590 03/09/2011

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

EXAMINER	
RICCI, CRAIG D	

ART UNIT	PAPER NUMBER
1628	

NOTIFICATION DATE	DELIVERY MODE
03/09/2011	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):

jnjuspatent@corus.jnj.com
lhowd@its.jnj.com
gsanche@its.jnj.com

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MAR 0 9 2011

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

In re Application of:
Guillemont et al.
Serial No.: 11/997,173
Filed: January 29, 2008
Attorney Docket No.: **PRD2516USPCT**

: PETITION DECISION

This is in response to the petition filed February 11, 2011 under 37 CFR § 1.181, requesting that the premature "final" rejection of November 12, 2010 be withdrawn, as well as applicants request of February 11, 2011 to correct inconsistent statements in the Office action.

It is noted that applicants filed this petition under 37 CFR § 1.181 on February 11, 2011 requesting relief from the "finality" of the Office action mailed November 12, 2010. This petition was not filed within two months from the mailing of the Office action and is thus untimely. Nevertheless, a decision on this petition is rendered herein.

BACKGROUND

Relevant parts of the prosecution history are summarized below.

On March 4, 2010, applicants filed a Request for Continued Examination (RCE) along with the appropriate fees. In this RCE, applicants fulfilled the requirements of 37 C.F.R. § 1.114 (submission) and indicated that said submission, containing claim amendments was to be considered for examination.

The examiner mailed an Office action on November 12, 2010.

In response thereto, applicants filed this petition on February 11, 2011 under 37 CFR § 1.181, requesting that the finality of the Office action of November 12, 2010 be withdrawn.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition filed on February 15, 2011, applicants argue "Based on the undisputable facts and the record of this application, the Final Office Action was prematurely issued and must be removed. Applicants' RCE and concomitant amendment to the claims prevented the Examiner from issuing a first action Final Rejection where new grounds of rejection were introduced." Finally, it is unclear from the Office action of November 12, 2010 as to whether the action is made final or not. Despite the statement at Page 13, "THIS ACTION IS MADE FINAL," Box 2b of Form PTOL-326 was checked, indicating that the rejection was "non-final."

Applicants also argue "Specifically, on PTOL-326, the Examiner checked box 2b, indicating that the Office Action was non-final. However, the body of the Office Action, pages 13-14, states that the action is made final. Whether the Office Action is final or non-final is necessary for Applicants to determine the type of response to be filed pursuant the rules. As it stands, Applicants cannot know whether to file 1) a response per 37 CFR 1.112; or 2) a petition to remove a premature final action on a request for continued examination where the claims have been amended and new grounds of rejection introduced."

Applicant's points are well-taken. However, it is clear that the examiner mistakenly added the phrase "THIS ACTION IS MADE FINAL" in the body of the Office action. In any event, the Office action of November 12, 2010 is, in fact, a non-final Office action as indicated on PTOL-326.

DECISION

The petition is **GRANTED.**

The Office action mailed November 12, 2010 is hereby vacated to the extent that it was made "final" (applicants should note PAIR shows action as non-final) and the Office action is now considered to be a non-final Office action.

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.

JMStone

Jacqueline Stone
Director, Technology Center 1600

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NEW BRUNSWICK NJ 08933-7003

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OFFICE OF PETITIONS

In re Application of	:	
Guillemont et al.	:	
Application No. 11/997173	:	
Filing or 371(c) Date: 01/29/2008	:	ON PETITION
Attorney Docket Number:	:	
PRD2516USPCT	:	

This is a decision on the Petition Under 37 CFR 1.137(b), filed October 20, 2011, to revive the above-identified application.

The petition is granted.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed November 12, 2010. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No complete and proper reply having been received, the application became abandoned on February 13, 2011.

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

This application is being referred to Technology Center Art Unit 1628 for processing of the Amendment filed with the petition in due course.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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.
11/997,202	04/08/2008	Ira H. Pastan	015280-522100US	4051

45115 7590 11/09/2011

TOWNSEND AND TOWNSEND AND CREW, LLP
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8TH FLOOR
SAN FRANCISCO, CA 94111

EXAMINER	
ARCHIE, NINA	
ART UNIT	**PAPER NUMBER**
1645	

MAIL DATE	DELIVERY MODE
11/09/2011	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.

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NOV 0 9 2011

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO CA 94111

In re Application of:
Pastan et al.
Serial No.: 11/997,202
Filed: April 8, 2008
Attorney Docket No.: **015280-522100US**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed January 30, 2008, to expunge information from the above identified application. The delay in acting on this petition is regretted.

Petitioner requests that the application papers titled "Information Disclosure Statement Under 37 CFR § 1.97 and § 1.98" electronically filed on January 29, 2008 be removed. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

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

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

- 2 AUG 2010

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23557
SALIWANCHIK LLOYD & SALIWANCHIK
A Professional Association
P.O. Box 142950
Gainesville, FL 32614-2950

In re Application of :
CHUNGU *et al* :
Application No.: 11/997,225 :
PCT No.: PCT/US2006/029813 :
Int. Filing Date: 01 August 2006 :
Priority Date: 01 August 2005 : **DECISION**
Attorney Docket No.: DAS-122XC1 :
For: LOW FIBER YELLOW CANOLA :
SEEDS COMPRISING HIGH OLEIC, :
LOW LINOLENIC OIL :

This is a decision on the renewed request under 37 CFR 1.42 filed 25 May 2010.

BACKGROUND

On 26 March 2010, a decision dismissing applicants' renewed request under 37 CFR 1.42 was mailed. Applicants were given two months to respond with extensions of time available.

On 25 May 2010, applicants filed the subject response which included a declaration executed by the legal representative of a deceased inventor.

DISCUSSION

In the renewed response, applicants submitted a two-page declaration listing the four named co-inventors, Chibwe CHUNGU, Gerhard RAKOW, John P. RANEY and Thomas J. KUBIK and their citizenship.

The declaration included a supplemental sheet listing Ms. Barbara L. Raney as legal representative of deceased co-inventor, John P. RANEY. A review of the declaration shows that the required information (citizenship, residence and address) of the legal representative is recorded on the declaration pursuant to 37 CFR 1.497(b)(2).

CONCLUSION

The renewed papers filed under 37 CFR 1.42 are **ACCEPTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C.

371(c). The application has an international filing date of 01 August 2006, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 25 May 2010.

This application is being forwarded to the United States Designated/Elected Office for further processing in accordance with this decision

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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OFFICE OF PETITIONS

NXP, B.V.
NXP INTELLECTUAL PROPERTY & LICENSING
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE CA 95131

In re Application of:
HABENICHT, et al.
Application No. 11/997,240
Filed: January 29, 2008
Attorney Docket No. 00 1018 US1

ON PETITION

This is a decision on the Petition under Rule 1.59(b), filed September 7, 2010. The requisite $200.00 petition fee has been charge to Deposit Account 50-4019, as authorized in the petition.

The petition is **GRANTED.**

Petitioner urges that specific identified documents submitted on September 7, 2010 were submitted in error. As such, Applicant requests that these specific documents be expunged. It is agreed that under the circumstances of this case, petitioner has shown to the satisfaction of the Director that expungement is appropriate.

The file entry for each of the subject documents has been closed. As such, the documents are no longer available to the public for inspection, which is the Image File Wrapper (IFW) equivalent to removal of a paper document from a paper file wrapper.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at (571) 272-5338.

Brian W. Brown
Petitions Examiner
Office of Petitions

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NXP INTELLECTUAL PROPERTY & LICENSING
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE CA 95131

MAILED

SEP 09 2010

OFFICE OF PETITIONS

In re Application of:
HABENICHT, et al.
Application No. 11/997,240
Filed: January 29, 2008
Attorney Docket No. 00 1018 US1

ON PETITION

This is a decision on the Petition under Rule 1.59(b), filed September 7, 2010. The requisite $200.00 petition fee has been charge to Deposit Account 50-4019, as authorized in the petition.

The petition is **GRANTED.**

Petitioner urges that specific identified documents submitted on September 7, 2010 were submitted in error. As such, Applicant requests that these specific documents be expunged. It is agreed that under the circumstances of this case, petitioner has shown to the satisfaction of the Director that expungement is appropriate.

The file entry for each of the subject documents has been closed. As such, the documents are no longer available to the public for inspection, which is the Image File Wrapper (IFW) equivalent to removal of a paper document from a paper file wrapper.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at (571) 272-5338.

Brian W. Brown
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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MAY 18 2011

OFFICE OF PETITIONS

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Patent No. 7,858,089
Issued: December 28, 2010
Application No. 11/997,283
Filed: January 29, 2009
Dkt. No.: 50304/173001

: DECISION ON PATENT TERM
: ADJUSTMENT and NOTICE OF INTENT
: TO ISSUE CERTIFICATE OF
: CORRECTION
:

This is a decision on the petition filed on February 24, 2011 requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by 122 days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED TO THE EXTENT INDICATED HEREIN.**

The above-identified application matured into U.S. Patent No. 7,858,089 on December 28, 2010. The patent issued with a patent term adjustment of 44 days. The instant application for patent term adjustment was timely filed February 24, 2011. Patentees contest the period of reduction for application delay totaling 90 days and argue that the correction period of applicant delay is 12 days. The Office acknowledges the submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Patentees argue that the patent is not subject to a reduction in connection with the information disclosure statement (IDS) filed September 30, 2010 as the IDS satisfied the provisions set forth at 37 CFR 1.704(d). Patentees assert that the actual period of applicant delay is 12 days.

Patentees' arguments have been carefully reviewed and found, in part, convincing. The IDS was filed September 30, 2010. A response to the IDS was mailed 18 days later on October 18, 2010.The IDS contained the relevant statement set forth within 37 CFR 1.704(d). Accordingly, the patent is not subject to reduction in connection with the filing of the IDS. The Office in error accorded a 12 day reduction in connection with the submission of the IDS, the remaining six days of the 18 days were found to overlap with the reduction of 78 days accorded in connection with the sequence listing filed October 12, 2010. The reduction of 12 days is accordingly being restored.

In accordance with 37 CFR 1.704(c)(10), the patent term adjustment of 134 days was and is properly reduced 78 days in connection with the sequence listing filed October 12, 2010. The

reduction commenced October 12, 2010, the date that the sequence listing was filed, and ended December 28, 2010, the date that the patent issued.

In view thereof, at the time of issuance, the patent was entitled to an overall adjustment of 56 days (134 days under 37 CFR 1.702 in connection with the mailing of the restriction requirement on August 10, 2009 *less* 78 days under 37 CFR 1.704(c)(10) in connection with the sequence listing filed October 12, 2010).

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

The application is being forwarded to the Certificates of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by 56 days.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Adviser
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,858,089

DATED : December 28, 2010 **DRAFT**

INVENTOR(S) : Jacquemin, 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 44 days

Delete the phrase "by 44 days" and insert – by 56 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN VA 22102

MAILED

MAR 27 2012

OFFICE OF PETITIONS

In re Application of :
Churchill, et al. : DECISION ON PETITION
Application No. 11/997,311 :
Filed: January 29, 2008 :
Atty. Dkt. No.: 424662017400 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed March 5, 2012.

The Notice of Abandonment mailed February 16, 2012 indicates that the application is abandoned for failure to timely submit a proper reply to the non-final Office action mailed August 12, 2011.

Petitioners assert a reply to the Office action, including a petition for extension of time, was timely submitted February 13, 2012.

Petitioner's arguments have been carefully considered and found persuasive. The referenced reply, filed February 13, 2012, has been located on the electronic file wrapper.

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

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

The application file is being forwarded to Group Art Unit 3744.

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

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

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	11997368
Filing Date	30-Jan-2008
First Named Inventor	Yuka Kamiya
Art Unit	2625
Examiner Name	TOMMY LEE
Attorney Docket Number	00862.123384.
Title	APPARATUS AND METHOD FOR RESTRICTING FILE OPERATIONS

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	/ Agatha H Liu/
Name	Agatha H. Liu
Registration Number	65323

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 : March 22, 2012

In re Application of :

Yuka Kamiya

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11997368

Filed : 30-Jan-2008

Attorney Docket No : 00862.123384.

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 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 2625 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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TROUTMAN SANDERS LLP
5200 BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA GA 30308-2216

MAILED

JAN 25 2012

OFFICE OF PETITIONS

In re Application of :
Watchorn et al. :
Application No. 11/997,395 : ON PETITION
Filed: March 19, 2008 :
Attorney Docket No. TEBL6 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 16, 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 the Issue Fee Transmittal with payment of the issue and publication fees, (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 matter is being referred to the Office of Data Management for processing into a patent.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GLOBAL IP SERVICES
7285 W. EAGLE COURT
WINTON CA 95388

MAILED

JAN 3 1 2011

OFFICE OF PETITIONS

In re Application of :
SHANGHAI, et al :
Application No. 11/997,552 : ON PETITION
Filed: January 31, 2008 :
Attorney Docket No. SCP-102US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 29, 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 December 11, 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). An extension of time for one (1) month pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is April 12, 2010.

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

This application is being referred to Technology Center AU 3746 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/997,573	02/01/2008	Yang-Soo Jang	12109.0097USWO	8760

23552 7590 04/11/2011

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER	
SCHALL, MATTHEW WAYNE	
ART UNIT	PAPER NUMBER
3738	

MAIL DATE	DELIVERY MODE
04/11/2011	PAPER

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

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

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
11997573	2/1/2008	JANG ET AL.	12109.0097USWO

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER	
MATTHEW SCHALL	
ART UNIT	**PAPER**
3738	20110404

DATE MAILED:

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Commissioner for Patents

In view of the papers filed 7/27/2009, 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 the addition of inventor "Donghoon CHOI."
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.

/CORRINE M MCDERMOTT/
Supervisory Patent Examiner, Art Unit 3738

/MATTHEW SCHALL/
Examiner, Art Unit 3738

PTO-90C (Rev.04-03)

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ALEXANDRIA, VA 22313-1450
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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

MAILED

FEB 09 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
DUFFIELD et al	:	
Application No.: 11/997,591	:	
PCT No.: PCT/GB02/002936	:	PETITION UNDER
Int. Filing Date: 04 August 2006	:	
Priority Date: 06 August 2005	:	37 CFR 1.181
Attorney's Docket No.: 3073.104	:	
For: 3,11 b-cis Dihydrotetrabenazine...	:	
Other psychoses	:	

This Decision is in response to applicants' "PETITION T0 WITHDRAW HOLDING OF ABANDONMENT" filed on 24 November 2009, which is being interpreted as a petition under 37 CFR 1.181 that the above-identified application was improperly held abandoned. The petition requests the withdrawal of the Notice of abandonment mailed on 07 October 2009. No petition fee is required.

BACKGROUND

On 04 August 2006, this international application was filed, claiming an earliest priority date of 06 August 2005.

On 01 February 2008, applicant filed a Transmittal letter for entry into the national stage in the United States Patent and Trademark Office (USPTO), which was accompanied by, the basic national fee. No executed declaration or oath was filed at such time.

On 05 June 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date... is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68," must be furnished within the time period set forth. The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond, and that failure to properly respond would result in abandonment

On 05 September 2008, applicants filed an executed declaration that added for the first time Jean Elisabeth YARROW as a joint inventor on the declaration since she was not listed on the international application. Also applicants have not provided proper documentation, such as PCT/IB/306, supporting the addition of the joint inventor in the international phase.

On 08 September 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) indicating that the current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: included inventor YARROW who is not cited in the International Application. The Notification indicated that applicants are required to complete the response within a time limit of One Month from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (may be extended under 37 CFR 1.136(a)), whichever is later.

On 15 September 2008, applicants filed a "Response to the Notification of Defective Response," indicating that the executed declaration filed on September 5, 2008 was the first executed declaration of the inventors filed in this case. It established the inventorship for this application because after the international application was filed it was discovered that Jean Elisabeth Yarrow should have been added as an inventor.

On 07 October 2009, the USPTO mailed a "NOTICE OF ABANDONMENT," which indicated that "applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905) mailed 09/08/2008 within the time period set therein."

On 24 November 2009, petitioner filed the instant petition to withdraw the holding of abandonment.

DISCUSSION

A review of the file shows that the Notice of Abandonment was correct because petitioner failed to properly respond to the Notice of Defective Response mailed on 08 September 2008.

A proper response would have been a request to correct inventorship under 37 CFR 1.497(d) which will act to correct the earlier identification of inventorship if the executed declaration filed at commencement of national stage under 35 USC 371 names an inventive entity different from the inventive entity set forth in the international application as in this instance. At the international phase, the international application listed only DUFFIELD, Andrew John as an inventor but the executed declaration filed on 05 September 2008 lists Andrew John DUFFIELD and Jean Elisabeth YARROW as joint inventors. Alternatively, applicants may provide a showing that added inventor Jean Elisabeth YARROW was effected in accordance with PCT Rule *92Bis* prior to the filing of the present national stage application

The NOTICE OF ABANDONMENT, mailed 07 October 2009 is **CORRECT**.

RECOMMENDATION

As an alternative, applicants may request revival of the application via petition under 37 CFR 1.137(b).

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In instance a request under 37 CFR 1.497(d): (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.
Note MPEP 711.03(c)

This recommendation to file a petition under 37 CFR 1.137(b) should not be construed as an indication as to whether or not any such petition(s) will be favorably considered.

DECISION

The petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

The above-captioned application remains **ABANDONED.**

If reconsideration of the merits of the petition under 37 CFR 1.181 is desired, applicant must file a request for reconsideration within TWO (2) MONTHS from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/098,034	04/04/2008	Luis Roman Scheker	SAL.105PCTUS	1436

24062 7590 02/09/2011

CAMORIANO & ASSOCIATES
8225 SHELBYVILLE ROAD
LOUISVILLE, KY 40222

EXAMINER	
HOFFMAN, MARCIA	
ART UNIT	PAPER NUMBER
3774	
MAIL DATE	DELIVERY MODE
02/09/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/997,591		Andrew John DUFFIELD	3063.006US1	8942

21186 7590 02/09/2011
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER	
ART UNIT	PAPER NUMBER
1614	

NOTIFICATION DATE	DELIVERY MODE
02/09/2011	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@slwip.com
request@slwip.com

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
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JUN 09 2011

PCT LEGAL ADMINISTRATION

In re Application of
DUFFIELD et al
Application No.: 11/997,591
International App. No.: PCT/GB02/002936
Int. Filing Date: 04 August 2006
Priority Date: 06 August 2005
Attorney's Docket No.: 3073.104
For: 3,11 b-cis-Dihydrotetrabenazine ...
Other Psychoses

DECISION ON RENEWED

REQUEST UNDER

37 CFR 1.497(d)

This is a decision on applicants' "PETITION FOR CORRECTION OF INVENTORSHIP PURSUANT TO 37 CFR 1.48(a) AND PEITITON UNDER 37 CFR 1.137(b)... APPLICATION" filed on 11 April 2011, the petition pursuant to 37 CFR 1.48(a) is being treating as a request under 37 CFR 1.497(d).

BACKGROUND

In a decision from this Office mailed on 09 February 2011, the decision indicated that the Notice of Abandonment mailed on 07 October 2009 is correct. The decision also indicated that as an alternative, applicants may want to revive the application via a petition under 37 CFR 1.137(b).

On 11 April 2011, applicants filed the current request to add joint inventor Jean Elisabeth YARROW on the declaration and a petition to revive aforementioned application via 37 CFR 1.137(b).

DISCUSSION

37 CFR 1.497(d):

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(2) the fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) - (3) under 37 CFR 1.497(d).

With respect to item (1), the statement submitted by Jean Elisabeth Yarrow is sufficient because the statement states that the error in inventorship occurred without a deceptive intent.

With respect to item (2), the processing fee of $130.00 has been submitted as the Deposit Account no.: 190-743.

With respect to item (3), Biovail Laboratories International SRI, the assignee, consents to the correction of inventorship to the above application and Alex Matheson, who is empowered to authorize this consent has apparent authority o bind the assignee. Also, the assignee has filed the requisite papers establishing their right to take action under 37 CFR §3.73(b).

Accordingly, the request is deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

DECISION

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED.**

37 CFR 1.137(b):

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting a proper executed declaration as the request under 37 CFR 1.497(d) has been granted, (2) the petition fee set forth in §1.17(m) and has been provided as the Deposit Account no.: 190-743, and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED.**

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **05 September 2008.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 6288
INDIANAPOLIS IN 46206-6288

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re Application of
Beidler, et al.
Application No. 11/997,597
Filed: February 1, 2008
Attorney Docket No. X17070

DECISION ON PETITIONS
UNDER 37 CFR 1.78(a)(3) AND (a)(6)

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed May 14, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for benefit of priority to the prior-filed applications set forth in the concurrently filed amendment.

The petition is **DISMISSED AS MOOT.**

The petition is accompanied by an amendment to the first sentence of the specification following the title to include a reference to the prior-filed applications. While a reference to the prior-filed nonprovisional and provisional applications was not included in an Application Data Sheet (ADS) or in the first sentence of the specification following the title as required by the rules, a reference, nevertheless, was made in the transmittal letter and/or oath filed with the application.

Where a claim for priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). On the other hand, if the USPTO does not note the claim for priority to the prior-filed applications set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6).[1] In the present case, the Office noted the claim for priority to the prior-filed applications in the transmittal letter filed with the application, as shown by their inclusion on the filing receipt.

In view of the above, the $1,410.00 petition fee submitted is unnecessary and will be refunded to petitioner's deposit account in due course.

[1] *Note* MPEP 201.11 (III)(D) and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

Any questions concerning this decision on petition 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 referred to Technology Center AU 1643 for consideration by the examiner of applicants' entitlement to claim benefit of priority under 35 U.S.C. §§ 120 and 119(e) to the prior-filed applications.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/997,720	09/10/2008	Ian Bennett	28489/43677	1023

4743 7590 04/15/2011

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

EXAMINER	
GREEN, RICHARD R	

ART UNIT	PAPER NUMBER
3644	

NOTIFICATION DATE	DELIVERY MODE
04/15/2011	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mgbdocket@marshallip.com

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APR 14 2011

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

In re application of
Bennett et al.
Application No. 11/997,720
Filed: September 10, 2008
For: LANDING GEAR

: **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 Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 23, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO, or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the UKIPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the preliminary amendment filed March 23, 2011. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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 Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /
Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 4/14/11

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MAILED

SEP 2 7 2010

OFFICE OF PETITIONS

SCHNECK & SCHNECK
P.O. BOX 2-E
SAN JOSE CA 95109-0005

In re Application of	:	
Heinz Gerald Krottendorfer, et al.	:	DECISION ON PETITION
Application No. 11/997,874	:	TO WITHDRAW
Filed: August 19, 2008	:	FROM RECORD
Attorney Docket No. ODM-002	:	

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 inquires 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

OFFICE OF PETITIONS

In re Application of :
Heinz Gerald Krottendorfer, et al. :
Application No. 11/997,874 : DECISION ON PETITION
Filed: August 19, 2008 : TO WITHDRAW
Attorney Docket No. ODM-002 : 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 Heinz Gerald Krottendorfer at the address indicated below.

There is an outstanding Office action mailed October 5, 2010 that requires a reply from the applicant.

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Heinz Gerald Krottendorfer**
Kratochwjlestrasse 12/2/64
Wien, A-1220
Austria

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
11/997,874	08/19/2008	Heinz Gerald Krottendorfer	ODM-002

CONFIRMATION NO. 1485

POWER OF ATTORNEY NOTICE

3897
SCHNECK & SCHNECK
P.O. BOX 2-E
SAN JOSE, CA 95109-0005

OC000000044152535

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

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DUANE MORRIS LLP - CHICAGO
IP DEPARTMENT
190 SOUTH LASALLE STREET
SUITE 3700
CHICAGO IL 60603-3433

MAILED

MAY 10 2011

OFFICE OF PETITIONS

In re Application of	:	
Gately, Stephen	:	DECISION ON PETITION
Application No. 11/997,896	:	TO WITHDRAW
Filed: June 3, 2008	:	FROM RECORD
Attorney Docket No. E8655-00017	:	

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. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Robert M. Gould on behalf of all attorneys/agents of record who are associated with Customer Number 76223. All attorneys/agents associated with Customer Number 76223 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, Stephen Gately, at the address indicated below. A Notice of Allowance was mailed March 31, 2011 which requires a reply from the applicant. Failure to do so will result in abandonment of the application.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: STEPHEN GATELY
9977 NORTH 90TH STREET, SUITE 110
SCOTTSDALE AZ 85258

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/998,042	11/27/2007	Nam-Soon Choi	60720/P849	4773

23363 7590 02/23/2012
CHRISTIE, PARKER & HALE, LLP
PO BOX 29001
Glendale, CA 91209-9001

EXAMINER	
ARCIERO, ADAM A	

ART UNIT	PAPER NUMBER
1727	

MAIL DATE	DELIVERY MODE
02/23/2012	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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February 23, 2012

CHRISTIE, PARKER & HALE, LLP
PO BOX 29001
Glendale CA 91209-9001

Re Application of
CHOI, NAM-SOON., Et Al.
Application: **11/998042** : **DECISION ON PETITION**
Filed: **11/27/2007** : **ACCEPTANCE OF COLOR**
Attorney Docket No: **60720/P849** : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) January 11, 2011.
The petition is **GRANTED**.
A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

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

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

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

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

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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Ashok Tankha
Counsel of Lipton, Weinberger & Husick
36 Greenleigh Drive
Sewell NJ 08080

MAILED

SEP 15 2011

OFFICE OF PETITIONS

In re Application of :
David Stackpole :
Application No. 11/998,107 : DECISION ON PETITION
Filed: November 28, 2007 :
Attorney Docket No. **RR_01** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 9, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 29, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 30, 2010.

The 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.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to be acknowledged as the attorney of record in this application, the appropriate power of attorney document must be submitted.

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

This application is being referred to Technology Center AU 2615 for appropriate action by the Examiner in the normal course of business.

JoAnne Burke
Petitions Examiner
Office of Petitions

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	11998108
Filing Date	28-Nov-2007
First Named Inventor	Yong Cho
Art Unit	3742
Examiner Name	MARK PASCHALL
Attorney Docket Number	1457-11012001
Title	Heated eyelash curler

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 25864

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

10.40(c)(1)(vi)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Yong Hoon Cho
Address	325 N. Puente Ln., #D
City	Brea
State	CA
Postal Code	92821
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Charles C.H. Wu/
Name	Charles Wu
Registration Number	39081

UNITED STATES 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 8, 2011

In re Application of :

Yong Cho

Application No : 11998108

Filed : 28-Nov-2007

Attorney Docket No : 1457-11012001

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed December 8, 2011

The request is **APPROVED.**

The request was signed by Charles Wu (registration no. 39081) on behalf of all attorneys/agents associated with Customer Number 25864 . All attorneys/agents associated with Cusotmer Number 25864 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	Yong Hoon Cho
Name2	
Address 1	325 N. Puente Ln., #D
Address 2	
City	Brea
State	CA
Postal Code	92821
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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YONG HOON CHO
325 N. PUENTE LN., #D
BREA CA 92821

MAILED

FEB 06 2012

OFFICE OF PETITIONS

In re Application of :
Yong Hoon Cho et al. : DECISION ON PETITION
Application No. 11/998,108 :
Filed: November 28, 2007 :
Title of Invention: **HEATED EYELASH CURLER** :

This is a decision on the petition under 37 CFR 1.137(a)[1], filed January 9, 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(a)" or "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned on September 9, 2011 for failure to timely respond to the Final Office Action mailed June 8, 2011 which set a three (3) month period for reply. Accordingly, a Notice of Abandonment was mailed December 14, 2011.

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[1]A grantable petition under 37 CFR 1.137(a) must be accompanied by:

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

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

(3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

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

Petitioner asserts unavoidable delay in responding to the Final Office Action mailed June 8, 2011 because he forgot about the Notice and was not reminded by his attorney to file a response.

The petition however, lacks (item (3).

Petitioner is advised that the explanation provided does not rise to the level of unavoidable delay. Instead of an unavoidable delay, the facts presented demonstrate a lack of diligence.

Petitioner has not established that he acted with diligence to ensure that a response was filed and thus as a result, the cause of delay in responding to the Final Office Action mailed June 8, 2011 to the Attorney of Record, which petitioner acknowledges was forwarded to him by the Attorney of Record on July 19, 2011, can only be seen as an action that could have been avoided. Specifically, the record is devoid of any proof that would suggest that the petitioner attempted to respond to the Final Office Action in a timely manner.

Petitioner may wish to consider filing a 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, 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).

---

[2]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 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)).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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YONG HOON CHO
325 N. PUENTE LN., #D
BREA CA 92821

MAILED

FEB 24 2012

OFFICE OF PETITIONS

In re Application of :
Yong Hoon Cho et al. : DECISION ON PETITION
Application No. 11/998,108 :
Filed: November 28, 2007 :
Title of Invention: **HEATED EYELASH CURLER** :

This is a decision on the petition under 37 CFR 1.137(b), filed February 15, 2012 to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on September 9, 2011 for failure to timely respond to the Final Office Action mailed June 8, 2011 which set a three (3) month period for reply. Accordingly, a Notice of Abandonment was mailed December 14, 2011. In a petition filed January 9, 2012, petitioner asserted unavoidable delay in responding to the Office Action. The petition was dismissed in a decision mailed February 6, 2012 because the evidence provided did not establish that the delay was "unavoidable".

Petitioner has submitted a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

All other requirements of 37 CFR 1.137(b) having now been met, this matter is being referred to Technology Center 1615 for processing of the RCE.

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

/Patricia Faison-Ball/

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : July 30, 2010

TO SPE OF : ART UNIT 1634
SUBJECT : Request for Certificate of Correction for Appl. No/11/9980155 /pat. /7745132

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

Check claim 9.

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Magdalene Talley

Certificates of Correction Branch
571-272-0423

Thank You For Your Assistance

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

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

Comments: Claim 9 is the Claim allowed on 5/20/10 as Claim 20. Correction is approved.

/Dave Nguyen/ — **SPE**

1634 — **Art Unit**

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Alexandria, VA 22313-1450
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ADAM R. STEPHENSON, LTD
60 E. RIO SALADO PKWY.
9TH FLOOR
TEMPE, AZ 85281

MAILED

SEP 14 2010

OFFICE OF PETITIONS

In re Application of
Michael Nasco
Application No. 11/998,182
Filed: November 29/2007
Attorney Docket No.

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed 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 to withdraw less than all attorneys appointed by customer number 22864 cannot be approved. The addition and/or deletion of a practitioner from the list of practitioners associated with a Customer Number should be made by submitting a "Request for Customer Number Data Change" (PTO/SB/124) which will result in the addition or deletion of such practitioner from the list of persons authorized to represent any applicant or assignee of the entire interest who appointed all of the practitioners associated with such Customer Number. See MPEP 403 Section I. Customer Number Practice.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Caterpillar Inc./LIELL & MCNEIL
Intellectual Property Department
AH9510
100 N.E. Adams
Peoria IL 61629-9510

MAILED

APR 26 2011

OFFICE OF PETITIONS

In re Application of :
Clifton Gerke :
Application No. 11/998,225 : DECISION ON PETITION
Filed: November 29, 2007 :
Attorney Docket No. **07-210** :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 15, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 15, 2010. Accordingly, the date of abandonment of this application is 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 payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FRANK E. REDMOND III
92 Sky Ridge Road NW
Issaquah WA 98027

MAILED
FEB 13 2012
OFFICE OF PETITIONS

In re Application of :
Redmond :
Application No. 11/998,229 : ON PETITION
Filed: November 29, 2007 :
Attorney Docket No. TBD/2839 :
For: SYSTEMS FOR AND METHODS OF CIRCUIT CONSTRUCTION

This is a decision on the petition, filed January 25, 2012, under 37 CFR 1.137(b) to revive the above-identified application.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the May 11, 2011 non-final Office action. An amendment was filed on August 16, 2011 (certificate of mailing date August 12, 2011). However, no extension of time was obtained under the provisions of 37 CFR 1.136(a). Therefore, this application became abandoned on August 12, 2011, as August 11, 2011 was the last day for timely reply. A Notice of Abandonment was mailed on January 18, 2012.

Applicant has previously submitted an amendment in reply to the May 11, 2011 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the May 11, 2011 non-final Office action, and the $930.00 petition fee. All of the requirements under 37 CFR 1.137(b) being met, the petition is **GRANTED**.

After the mailing of this decision, the application will be returned to Technology Center AU 2835 for consideration of the amendment filed on August 16, 2011 (certificate of mailing date August 12, 2011).

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
JUN 02 2011
OFFICE OF PETITIONS

In re Application of :
Hiroyuki Motoyama :
Application No.: 11/998,309 : ON PETITION
Filed: November 29, 2007 :
Attorney Docket No.: 109580-69547 :

This is a decision on the petition, filed June 1, 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 2, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The application is being referred to Technology Center AU 2625 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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Alexandria, VA 22313-1450
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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED

AUG 19 2011

OFFICE OF PETITIONS

In re Application of :
Akitoshi Mesaki et al :
Application No. 11/998,402 : DECISION GRANTING PETITION
Filed: November 30, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1344.1201 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 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 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 should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2874 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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MARGARET ANDERSON
106 E. 6TH STREET, SUITE 900
AUSTIN TX 78701

MAILED

MAR 16 2011

OFFICE OF PETITIONS

In re Application of	:	
Jung et al.	:	DECISION ON PETITION
Application No. 11/998,450	:	TO WITHDRAW
Filed: November 28, 2007	:	FROM RECORD
Attorney Docket No. QQ1 - 0063US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2011.

The request is **NOT APPROVED**.

The Office will 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 requested the address be changed to a properly recorded assignee or the first listed inventor. The Customer Number 55922 is neither the first named inventor nor the assignee who properly became of record under 37 CFR 3.71 As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

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.

Currently, there is an outstanding Office action mailed December 21, 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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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BIB DATA SHEET

CONFIRMATION NO. 7134

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
11/998,496	11/30/2007 RULE	382	2624	SLA2308 (7146.0396)

APPLICANTS

Hao Pan, Camas, WA;

**** CONTINUING DATA ***************************

This appln claims benefit of 60/961,955 07/24/2007
and claims benefit of 60/994,547 09/19/2007 *

(*)Data provided by applicant is not consistent with PTO records.

**** FOREIGN APPLICATIONS ***************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****

12/15/2007

Foreign Priority claimed	35 USC 119(a-d) conditions met	Verified and Acknowledged	Met after Allowance	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
☐ Yes ☑ No	☐ Yes ☑ No	/NATHAN J BLOOM/ Examiner's Signature	☐ Initials	WA	23	28	1

ADDRESS

KEVIN L. RUSSELL
CHERNOFF, VILHAUER, MCCLUNG & STENZEL LLP
1600 ODSTOWER
601 SW SECOND AVENUE
PORTLAND, OR 97204
UNITED STATES

TITLE

Image upscaling technique

FILING FEE RECEIVED	FEES: Authority has been given in Paper	
1430	No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 20110209

DATE : 02/07/11

TO SPE OF : ART UNIT 2857

SUBJECT : Request for Certificate of Correction for Appl. No.: 11998523 Patent No.: 7865319

CofC mailroom date: 01/20/11

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 571-270-9990

Certificates of Correction Branch

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: _____

DREW A. DUNN
SUPERVISORY PATENT EXAMINER
AU 2857

- 32 -

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.
11/998,769	11/29/2007	Daniel J. Sullivan	PSM-197/PSSF.135509	7172

7590 12/05/2011

SHOOK, HARDY & BACON LLP
INTELLECTUAL PROPERTY DEPARTMENT
2555 GRAND BLVD
KANSAS CITY, MO 64108-2613

EXAMINER	
GOYAL, ARUN	

ART UNIT	PAPER NUMBER
3741	

MAIL DATE	DELIVERY MODE
12/05/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

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

FORM PTOM327-5 (Rev. 02/08)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

December 5, 2011

SHOOK, HARDY & BACON LLP
INTELLECTUAL PROPERTY DEPARTMENT
2555 GRAND BLVD
KANSAS CITY MO 64108-2613

In re Application of	:	
Daniel J. Sullivan et al.	:	**DECISION ON PETITION**
Application No. 11998769	:	
Filed: 11/29/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. PSM-197/PSSF.135509	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) November 29, 2007.

The petition is **GRANTED**.

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

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

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

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

/Don Fairchild/
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NELSON MULLINS RILEY & SCARBOROUGH, LLP
IP DEPARTMENT
100 NORTH TYRON STREET, 42ND FLOOR
CHARLOTTE, NC 28202

MAILED
JAN 23 2012
OFFICE OF PETITIONS

In re Application of	:	
Frank C. Kohn	:	
Application No. 11/998,776	:	DECISION GRANTING PETITION
Filed: November 30, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 17396/09236	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 23, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

Telephone inquiries 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 1616 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

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The Sigma Law Group LLC
50 Christy Drive
Warren NJ 07059

MAILED

JUN 17 2011

OFFICE OF PETITIONS

In re Application of :
Ted Justin Suh :
Application No. 11/998,785 : DECISION ON PETITION
Filed: December 3, 2007 :
Attorney Docket No. **13016-2** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 7, 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 9, 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 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, 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 3612 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

MAILED

SEP 23 2011

OFFICE OF PETITIONS

In re Application of Zhang et al. :
Application No. 11/998,797 : DECISION ON PETITION
Filing Date: November 30, 2007 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 10660 :

This is a decision on the petition under 37 CFR 1.78(a)(6) filed July 7, 2011, which requests acceptance of an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements have been satisfied. Therefore, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 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 application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

The application is being forwarded to Technology Center Art Unit 1761 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.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/998,797	11/30/2007	1761	1160	10660	18	2

CONFIRMATION NO. 7332

CORRECTED FILING RECEIPT

27752
THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

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)

Grace (Jing) Zhang, Beijing, CHINA;
Ji-Quan Liu, Kobe, JAPAN;
Charlie Reyes Salvador, Beijing, CHINA;

Power of Attorney: The patent practitioners associated with Customer Number 27752

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/872,377 12/01/2006

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

If Required, Foreign Filing License Granted: 04/03/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/998,797**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

PACKAGING FOR HIGH MOISTURE BAR SOAP

Preliminary Class

510

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

MAR 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Jung et al.	:	DECISION ON PETITION
Application No. 11/998,827	:	TO WITHDRAW
Filed: November 29, 2007	:	FROM RECORD
Attorney Docket No. QQ1-0062US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2011.

The request is **NOT APPROVED**.

The Office will 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 requested the address be changed to a properly recorded assignee or the first listed inventor. The Customer Number 55922 is neither the first named inventor nor the assignee who properly became of record under 37 CFR 3.71 As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

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.

Currently, there is an outstanding Office action mailed October 5, 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

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

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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Quine Intellectual Property Law Group, Inc, P.C.
P.O. Box 458
Alameda, CA 94501

MAILED

OCT 18 2010

OFFICE OF PETITIONS

In re Application of :
Joseph P. Noel et al. :
Application No. 11/998,828 :
Filed: November 30, 2007 :
Attorney Docket No. 95-000530US :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 18, 2010.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Jonathan Alan Quine and all attorneys/agents associated with customer number 20350 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 Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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

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.
11/998,855	11/30/2007	Carsten Gitt	MB 670	7020

7590 11/23/2010

KLAUS J. BACH
4407 TWIN OAKS DRIVE
MURRYSVILLE, PA 15668

EXAMINER	
KNIGHT, DEREK DOUGLAS	
ART UNIT	PAPER NUMBER
3655	
MAIL DATE	DELIVERY MODE
11/23/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmes

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MAILED

MAR 16 2011

OFFICE OF PETITIONS

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

In re Application of	:	
Jung et al.	:	DECISION ON PETITION
Application No. 11/998,871	:	TO WITHDRAW
Filed: November 30, 2007	:	FROM RECORD
Attorney Docket No. QQ1-0061US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2011.

The request is **NOT APPROVED**.

The Office will 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 requested the address be changed to a properly recorded assignee or the first listed inventor. The Customer Number 55922 is neither the first named inventor nor the assignee who properly became of record under 37 CFR 3.71 As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

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.

Currently, a Notice of Panel Decision from Pre-Appeal Brief Review was mailed December 17, 2010 in the above-identified application.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

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

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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MOLEX INCORPORATED
2222 WELLINGTON COURT
LISLE IL 60532

MAILED

OCT 2 6 2010

OFFICE OF PETITIONS

In re Patent No. 7,686,622 :
Issue Date: March 30, 2010 :
Application No. 11/998,892 : DECISION DISMISSING PETITIONS
Filed: December 3, 2007 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. A6-006A US CON1 :

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed April 30, 2010 and supplemented September 13, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed certificate of correction.

The petition is **DISMISSED**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

Petitioner seeks to claim priority to provisional applications no. 60/637,013 and 60/704,698 after the patent was granted. A Certificate of Correction is NOT a valid mechanism for adding or correcting a priority claim under 35 U.S.C. 119(e) after a patent has been granted on an application filed on or after November 29, 2000. See MPEP 1481.03(c).

Section 4503 of the American Inventors Protection Act of 1999 (AIPA) amended 35 U.S.C. 119(e)(1) to state that:

> No application shall be entitled to the benefit of an earlier filed provisional application under this subsection unless an amendment containing the specific reference to the earlier filed provisional application is submitted at such time during the pendency of the application as required by the Director. The Director may consider the failure to submit such an amendment within that time period as a waiver of any benefit under this subsection. The Director may establish procedures, including the payment of a surcharge, to accept an unintentionally delayed submission of an amendment under this section during the pendency of the application. (emphasis added).

Patentees claimed priority to provisional applications no. 60/637,013 and 60/704,698 on filing. However, the amendment submitted on filing did not include the intermediate nonprovisional application that was directly claiming the benefit of the provisional applications. Thus, a proper priority claim to the provisional applications was not met prior to the issuance of the patent. Further, the submission of the reference to prior application no. 11/245,695 on the application transmittal letter was not a proper reference within the meaning of 37 CFR 1.78(a)(2) or (a)(5).

Even though the Office recognized a benefit claim by entering it into the Office's database and included it on applicant's filing receipt, the benefit claim was not a proper benefit claim under 35 U.S.C. 119(e) or 35 U.S.C. 120 and 37 CFR 1.78 because the reference was not included in an ADS or in the first sentence(s) of the specification.

In light of the above, a claim to pursuant to 37 CFR 1.78 (a)(6) cannot be granted. However, if patentees wish a claim pursuant to 37 CFR 1.78(a)(3) a new a certificate of correction referencing only the 1.78 (a)(3) claim should be submitted with a renewed petition.

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

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

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

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

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

Christopher Bottorff
Supervisor
Office of 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

NOV 16 2010

OFFICE OF PETITIONS

In re Application of :
Timothy Breeden :
Application No. 11/998,959 : DECISION ON PETITION
Filed: December 3, 2007 :
Attorney Docket No.: PAW1201051U :

This is a decision on the petition filed under 37 CFR 1.137(b) in the above-identified application filed on September 19, 2010.

The petition is **GRANTED.**

This application became abandoned for failure to timely submit a reply to the non-final Office action mailed on April 29, 2009. The Notice set an extendable three-month reply period of July 29, 2009. Accordingly, this application became abandoned on July 30, 2009. A Notice of Abandonment was mailed on November 6, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment (2) the petition fee of $810.00, 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 1794 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/998,967	12/03/2007	Manabu Kobayashi	1924.79482	7736

7590 06/10/2011

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER	
VUONG, QUOCHIEN B	
ART UNIT	PAPER NUMBER
2618	
MAIL DATE	DELIVERY MODE
06/10/2011	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.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PATENT COUNSEL, CODE 004
NAVAL SURFACE WARFARE CENTER, CARDEROCK DIVISION
9500 MACARTHUR BLVD., BLDG M
WEST BETHESDA MD 20817-5700

MAILED
MAY 27 2011
OFFICE OF PETITIONS

In re Application of :
Hertel et al. :
Application No. 11/998,978 : DECISION ON PETITION
Filed: November 5, 2007 :
Attorney Docket No. 97,832 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 1, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit Corrected Drawings on or before February 28, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed November 29, 2010. Accordingly, the date of abandonment of this application is March 1, 2011. A 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) Corrected Drawings, (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay.

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

This application is being referred to Publishing Division for processing into a patent and review of the corrected drawings submitted on April 1, 2011.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

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.
11/999,061	12/04/2007	Jimmy S. Takeuchi	BOEING 07-0738	8060

74532 7590 12/23/2010

Hayes Soloway P.C.
3450 E. Sunrise Drive
Suite 140
Tucson, AZ 85718

EXAMINER	
ZHU, JOHN X	

ART UNIT	PAPER NUMBER
2831	

NOTIFICATION DATE	DELIVERY MODE
12/23/2010	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

admin@hayes-soloway.com
nsoloway@hayes-soloway.com
sbronson@hayes-soloway.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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December 21, 2010

Hayes Soloway P.C.
3450 E. Sunrise Drive
Suite 140
Tucson AZ 85718

In re Application of :
Jimmy S. Takeuchi, et al :
Application No. 11999061 :
Filed: 12/04/07 :
Attorney Docket No. **BOEING 07-0738** :

DECISION ON PETITION

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) December 4, 2007.

The petition is **DISMISSED.**

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

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

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

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/999,061	12/04/2007	Jimmy S. Takeuchi	BOEING 07-0738	8060

7590 01/19/2011

Hayes Soloway P.C.
3450 E. Sunrise Drive
Suite 140
Tucson, AZ 85718

EXAMINER	
ZHU, JOHN X	

ART UNIT	PAPER NUMBER
2831	

NOTIFICATION DATE	DELIVERY MODE
01/19/2011	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

January 14, 2011

Hayes Soloway P.C.
3450 E. Sunrise Drive
Suite 140
Tucson AZ 85718

In re Application of	:	
Jimmy S. Takeuchi, et al	:	**DECISION ON PETITION**
Application No. 11999061	:	
Filed: 12/04/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **BOEING 07-0738**	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) January 4, 2011.

The petition is **GRANTED**.

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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February 22, 2012

RICOH/FENWICK
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

In re Application of	:	
ROBINSON, M. DIRK.	:	**DECISION ON PETITION**
Application No. 11/999,101	:	
Filed: 12/03/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 20412-13217	:	***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 3, 2007.

The petition is **GRANTED**.

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

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the requirements above. Therefore, the petition is GRANTED.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
www.uspto.gov

FRANK L. KUBLER
13261 S.W. 54TH COURT
MIRAMAR FL 33027

MAILED

OCT 03 2011

OFFICE OF PETITIONS

In re Application of :
Wilkinson D. WRIGHT, IV :
Application No. 11/999,110 : DECISION ON PETITION
Filed: December 04, 2007 :
Attorney Docket No. :

This is a decision on the petition, filed July 20, 2011, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue fee on or before October 20, 2009, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed July 20, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 21, 2009.

Petitioner states that a timely reply was mailed via certificate of mailing on October 20, 2009. A review of the Office records indicates that the issue fee was filed timely November 02, 2009, which included a certificate of mailing date of October 20. 2009.

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

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

dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

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

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

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

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of July 20, 2009 is hereby withdrawn and the application restored to pending status.

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

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

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

November 17, 2011

DICKINSON WRIGHT PLLC
2600 WEST BIG BEAVER ROAD
SUITE 300
TROY MI 48084-3312

Re Application of
STICKLEN, MASOMEH B.
Application: **11/999197**
Filed: **12/04/2007**
Attorney Docket No: **59910-1877**

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) December 4, 2007.

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

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

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

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

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

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THORPE, NORTH & WESTERN, LLP
P.O. Box 1219
SANDY, UT 84091-1219

MAILED

JAN 26 2011

OFFICE OF PETITIONS

In re Application of
John W. Higuchi, et al.
Application No. 11/999,266
Filed: December 3, 2007
Attorney Docket No. 01935-32459

DECISION ON PETITIONS
UNDER 37 CFR 1.78(a)(3) AND (a)(6)

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed December 15, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application. All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this matter may be directed to April M. Wise at (571) 272-1642. 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 3761 for consideration by the examiner of the claim under 35 U.S.C. § §120 and 119(e) of the prior-filed nonprovisional and provisional applications.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT : Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/999,266	12/03/2007	3761	915	01935-32459	25	5

CONFIRMATION NO. 7991

CORRECTED FILING RECEIPT

20551
THORPE NORTH & WESTERN, LLP.
P.O. Box 1219
SANDY, UT 84091-1219

OC000000045551679

Date Mailed: 01/20/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

John W. Higuchi, Salt Lake City, UT;
S. Kevin Li, Cincinnati, OH;

Power of Attorney: The patent practitioners associated with Customer Number 20551

Domestic Priority data as claimed by applicant

This application is a CIP of 11/238,144 09/27/2005
which claims benefit of 60/623,150 10/27/2004
This application 11/999,266
is a CIP of 11/234,104 09/26/2005 ABN
which claims benefit of 60/623,150 10/27/2004

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

If Required, Foreign Filing License Granted: 01/03/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/999,266**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Passive intraocular drug delivery devices and associated methods

Preliminary Class

604

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

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

NOT GRANTED

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

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NOV 29 2010

OFFICE OF PETITIONS

BARNETT J. ROBINSON
227 CALIFORNIA STREET
NEWTON MA 02458

In re Application of :
Robinson : DECISION ON PETITION
Application No. 11/999,364 :
Filed: December 5, 2007 :
Docket No.: 3826A :

This is a decision on the petition under 37 CFR 1.137(a), filed August 2, 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 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.

This application became abandoned January 31, 2010 for failure to timely submit a proper reply to the non-final Office action mailed October 30, 2009. The non-final Office action set a three month shortened statutory period of time for reply. Extensions of time pursuant to 37 CFR 1.136 were not attained. Notice of Abandonment was mailed July 22, 2010.

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(c).

The instant petition fails to satisfy requirements (1) and (3) set forth above.

As to item (1), the instant petition is not accompanied by the required reply to the non-final Office action. Any request for reconsideration must be accompanied by the required reply. A courtesy copy of the non-final Office action is included herewith.

As to item (2), petitioner has failed to present 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.

The Office may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to have been "unavoidable." See, 37 CFR 1.137(a)(3). Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887)(the term "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"); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 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). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (N.D. Ind. 1987).

Petitioner states:

> "My Patent Attorney, David Warren became ill with pancreatic cancer approximately one year ago in the spring of 2009 and since then he was not able to function properly.
>
> Most of this past year he was receiving treatment at the Anderson Medical Center in Houston, Texas.
>
> He passed away on June 16, 2010.
>
> In January 2010, I requested that his Power of Attorney be revoked because I had not heard from him in a long time.
>
> During the period of time that I had not heard from him and before the date in January 2010 that I revoked his Power of Attorney, your examiner Mr. Huynh sent an office action to Mr. Warren on October 30, 2009.
>
> I only found out about the office action dated 10/30/2009 today (7/27/2010) when I received your notice of abandonment."
>
> Petitioner asserts that he received the Notice more than two months after the date that it was mailed as he was called out of town on business for an extended period of time. Petitioner states that despite taking measures to have his mailed forwarded to him, he did not receive the Notice until more than two months after its mail date."

The instant petition lacks any documentary evidence of the events complained of. Petitioner does not disclose the manner by which petitioner and former counsel generally communicated. Petitioner does not indicate when he became aware that former counsel was ill.

Given the petition's lack of supporting documentation, it cannot be found that the entire delay in timely submitting a proper reply to the non-final Office action was unavoidable:

Any renewed petition must be accompanied by evidence to sufficiently establish that the entire period of delay in responding to the non-final Office action was unavoidable.

ALTERNATE VENUE

Petitioner may wish to consider filing a petition stating that the entire delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

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 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). The Director may require additional information where there is a question whether the delay was unintentional.

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

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

By facsimile:
(571) 273-8300

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

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

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosures

UNITED STATES PATENT AND TRADEMARK 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.
11/999,417	12/05/2007	Stephen G. Periman	08258.P032X	9122

27660 7590 10/12/2011

THE LAW OFFICES OF BRADLEY J. BEREZNAK
800 WEST EL CAMINO REAL
SUITE 180
MOUNTAIN VIEW, CA 94040

EXAMINER	
VU, NGOC K	

ART UNIT	PAPER NUMBER
2421	

MAIL DATE	DELIVERY MODE
10/12/2011	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Bradley J. Bereznak
800 West El Camino Real
Suite 180
Mountain View, CA 94040

In re Application of:
Stephen G. Perlman
Application No. 11/999,417
Filed: December 05, 2007
For: Method For Multicasting Views of Real-Time Streaming Interactive Video

DECISION ON PETITION UNDER 37 C.F.R. ∋ 1.84(b)(2) TO ACCEPT COLOR PHOTOGRAPHS

This is a decision on the petition under 37 C.F.R. ∋ 1.84(b)(2), filed February 4, 2008, requesting acceptance of color photographs.

The petition requests that the color photographs for Figure 22 be accepted.

A grantable petition under 37 C.F.R. ∋ 1.84(b)(2) must be accompanied by a fee set forth under 37 C.F.R. ∋ 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed without the amendment to the specification.

The petition is **Dismissed**.

/Brian T. Pendleton/
Brian T. Pendleton
Supervisory Patent Examiner
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

MAILED

DEC 16 2010

OFFICE OF PETITIONS

In Re application of
Michael Nau et al.
Application No. 11/999,448
Filed: December 3, 2007
Attorney Docket No. 10191/5255

ON PETITION

This is a decision on the petition under 37 CFR 1.59(b), filed October 4, 2010 to expunge information from the above identified application.

The petition is **granted**.

Petitioner requests that a letter and claim set, filed September 28, 2010 be expunged from the record. Petitioner states the documents were erroneously filed does not pertain to the above identified patent application. The petition fee set forth in 37 CFR 1.17(g) has been paid.

The information in question has been determined by the undersigned to not be material to the examination of the instant application. The information was clearly intended to be filed in an unrelated application.

The expunged material has been removed from the official file.

The application is being returned to Technology Center Art Unit 3748.

Telephone inquiries relative to this decision should be directed to Carl Friedman at (571) 272-6842

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/999,456	12/05/2007	Stephen G. Perlman	08258.P036X	9143

27660 7590 10/12/2011
THE LAW OFFICES OF BRADLEY J. BEREZNAK
800 WEST EL CAMINO REAL
SUITE 180
MOUNTAIN VIEW, CA 94040

EXAMINER	
STOKELY-COLLINS, JASMINE N	

ART UNIT	PAPER NUMBER
2423	

MAIL DATE	DELIVERY MODE
10/12/2011	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.

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Bradley J. Bereznak
800 West El Camino Real
Suite 180
Mountain View, CA 94040

In re Application of:	)	
Stephen G. Perlman	)	
Application No. 11/999,456	)	**DECISION ON PETITION UNDER 37**
Filed: December 05, 2007	)	**C.F.R. ∋ 1.84(b)(2) TO ACCEPT**
For: Method For Combining Linear Content and Interactive Content Compressed Together as Streaming Interactive Video	)	**COLOR PHOTOGRAPHS**

This is a decision on the petition under 37 C.F.R. ∋ 1.84(b)(2), filed February 4, 2008, requesting acceptance of color photographs.

The petition requests that the color photographs for Figure 22 be accepted.

A grantable petition under 37 C.F.R. ∋ 1.84(b)(2) must be accompanied by a fee set forth under 37 C.F.R. ∋ 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed without the amendment to the specification.

The petition is **Dismissed**.

/Brian T. Pendleton/
Brian T. Pendleton
Supervisory Patent Examiner
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK 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.
11/999,457	12/05/2007	Stephen G. Perlman	08258.P035X	9148

27660 7590 10/12/2011

THE LAW OFFICES OF BRADLEY J. BEREZNAK
800 WEST EL CAMINO REAL
SUITE 180
MOUNTAIN VIEW, CA 94040

EXAMINER	
VU, NGOC K	

ART UNIT	PAPER NUMBER
2421	

MAIL DATE	DELIVERY MODE
10/12/2011	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Bradley J. Bereznak
800 West El Camino Real
Suite 180
Mountain View, CA 94040

In re Application of:
Stephen G. Perlman
Application No. 11/999,457
Filed: December 05, 2007
For: Streaming Interactive Video Integrated With Recorded Video Segments

DECISION ON PETITION UNDER 37 C.F.R. ∋ 1.84(b)(2) TO ACCEPT COLOR PHOTOGRAPHS

This is a decision on the petition under 37 C.F.R. ∋ 1.84(b)(2), filed February 4, 2008, requesting acceptance of color photographs.

The petition requests that the color photographs for Figure 22 be accepted.

A grantable petition under 37 C.F.R. ∋ 1.84(b)(2) must be accompanied by a fee set forth under 37 C.F.R. ∋ 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed without the amendment to the specification.

The petition is **Dismissed**.

/Brian T. Pendleton/
Brian T. Pendleton
Supervisory Patent Examiner
Technology Center 2400

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.
11/999,461	12/05/2007	Stephen G. Perlman	08258.P030X	8660

27660 7590 10/12/2011

THE LAW OFFICES OF BRADLEY J. BEREZNAK
800 WEST EL CAMINO REAL
SUITE 180
MOUNTAIN VIEW, CA 94040

EXAMINER	
VU, NGOC K	

ART UNIT	PAPER NUMBER
2421	

MAIL DATE	DELIVERY MODE
10/12/2011	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Bradley J. Bereznak
800 West El Camino Real
Suite 180
Mountain View, CA 94040

In re Application of: Stephen G. Perlman Application No. 11/999,461 Filed: December 05, 2007 For: System and Method for Compressing Streaming Interactive Video	**DECISION ON PETITION UNDER 37 C.F.R. ∋ 1.84(b)(2) TO ACCEPT COLOR PHOTOGRAPHS**

This is a decision on the petition under 37 C.F.R. ∋ 1.84(b)(2), filed January 30, 2008, requesting acceptance of color photographs.

The petition requests that the color photographs for Figure 22 be accepted.

A grantable petition under 37 C.F.R. ∋ 1.84(b)(2) must be accompanied by a fee set forth under 37 C.F.R. ∋ 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed without the amendment to the specification.

The petition is **Dismissed**.

/Brian T. Pendleton/
Brian T. Pendleton
Supervisory Patent Examiner
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/999,462	12/05/2007	Stephen G. Perlman	08258.P034X	8688

27660 7590 10/12/2011

THE LAW OFFICES OF BRADLEY J. BEREZNAK
800 WEST EL CAMINO REAL
SUITE 180
MOUNTAIN VIEW, CA 94040

EXAMINER	
VU, NGOC K	

ART UNIT	PAPER NUMBER
2421	

MAIL DATE	DELIVERY MODE
10/12/2011	PAPER

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

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

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Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Bradley J. Bereznak
800 West El Camino Real
Suite 180
Mountain View, CA 94040

In re Application of:
Stephen G. Perlman
Application No. 11/999,462
Filed: December 05, 2007
For: System for Collaborative Conferencing Using Streaming Interactive Video

DECISION ON PETITION UNDER 37 C.F.R. ∋ 1.84(b)(2) TO ACCEPT COLOR PHOTOGRAPHS

This is a decision on the petition under 37 C.F.R. ∋ 1.84(b)(2), filed February 4, 2008, requesting acceptance of color photographs.

The petition requests that the color photographs for Figure 22 be accepted.

A grantable petition under 37 C.F.R. ∋ 1.84(b)(2) must be accompanied by a fee set forth under 37 C.F.R. ∋ 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed without the amendment to the specification.

The petition is **Dismissed**.

/Brian T. Pendleton/
Brian T. Pendleton
Supervisory Patent Examiner
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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TERI G. ANDREWS
ATTORNEY AT LAW
1717 NW GRANT AVENUE
CORVALLIS OR 97330

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Application of
Wesley M. Strobel
Application No. 11/999,468
Filed: December 4, 2007
Attorney Docket No. 07STRO01

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.181, filed July 6, 2010 and which is treated under 37 CFR in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

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

This application became abandoned October 9, 2009, for failure to reply to the final Office Action mailed July 8, 2009, which set a three (3) month period for reply. No extensions of time having been filed, a Notice of Abandonment was mailed February 3, 2010. On March 12, 2010, petitioner filed a petition to withdraw the holding of abandonment, claiming non-receipt of the Office Action mailed July 8, 2009. The petition was dismissed in a decision mailed May 6, 2010 because while petitioner provided statements from the United States Postal Service and others experiencing delays due to Post Service irregularities, the evidence provided did not establish non-receipt of the mail in question.

Comes now petitioner, a pro-se applicant with additional evidence in the form of n Affidavit swearing that he did not receive the mail in question and that he is without fault in not receiving the communication and therefore could not respond timely.

Based on the affidavit it is concluded that the Office Action was never received at the address of record. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee Is due and none has been charged.

The file is being forwarded to Technology Center 2859 for the re-mailing of the non-Final Office Action originally mailed on October 17, 2005. Telephone inquiries concerning the re-mailing of the Final Office Action should be referred to the Technology Center. All other inquiries regarding this decision may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/999,472	12/05/2007	Stephen G. Perlman	08258.P042X	8672

27660 7590 10/13/2011

THE LAW OFFICES OF BRADLEY J. BEREZNAK
800 WEST EL CAMINO REAL
SUITE 180
MOUNTAIN VIEW, CA 94040

EXAMINER	
SAINT CYR, JEAN D	

ART UNIT	PAPER NUMBER
2425	

MAIL DATE	DELIVERY MODE
10/13/2011	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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OCT 13 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

Bradley J. Bereznak
800 West El Camino Real
Suite 180
Mountain View, CA 94040

In re Application of:
Stephen G. Perlman
Application No. 11/999,472
Filed: December 05, 2007
For: System For Combining Recorded Application State With Application Streaming Interactive Video Output

DECISION ON PETITION UNDER 37 C.F.R. ∋ 1.84(b)(2) TO ACCEPT COLOR PHOTOGRAPHS

This is a decision on the petition under 37 C.F.R. ∋ 1.84(b)(2), filed February 4, 2008, requesting acceptance of color photographs.

The petition requests that the color photographs for Figure 22 be accepted.

A grantable petition under 37 C.F.R. ∋ 1.84(b)(2) must be accompanied by a fee set forth under 37 C.F.R. ∋ 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed without the amendment to the specification.

The petition is **Dismissed**.

/Brian T. Pendleton/
Brian T. Pendleton
Supervisory Patent Examiner
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/999,475	12/05/2007	Stephen G. Perlman	08258.P037X	9161

27660 7590 10/12/2011

THE LAW OFFICES OF BRADLEY J. BEREZNAK
800 WEST EL CAMINO REAL
SUITE 180
MOUNTAIN VIEW, CA 94040

EXAMINER	
STOKELY-COLLINS, JASMINE N	
ART UNIT	**PAPER NUMBER**
2423	
MAIL DATE	**DELIVERY MODE**
10/12/2011	PAPER

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

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

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United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Bradley J. Bereznak
800 West El Camino Real
Suite 180
Mountain View, CA 94040

In re Application of:
Stephen G. Perlman
Application No. 11/999,475
Filed: December 05, 2007
For: Hosting and Broadcasting Virtual Events Using Streaming Interactive Video

DECISION ON PETITION UNDER 37 C.F.R. ə 1.84(b)(2) TO ACCEPT COLOR PHOTOGRAPHS

This is a decision on the petition under 37 C.F.R. ə 1.84(b)(2), filed February 4, 2008, requesting acceptance of color photographs.

The petition requests that the color photographs for Figure 22 be accepted.

A grantable petition under 37 C.F.R. ə 1.84(b)(2) must be accompanied by a fee set forth under 37 C.F.R. ə 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed without the amendment to the specification.

The petition is **Dismissed**.

/Brian T. Pendleton/
Brian T. Pendleton
Supervisory Patent Examiner
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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Krieg DeVault LLP
One Indiana Square
Suite 2800
Indianapolis IN 46204

MAILED
JAN 11 2012
OFFICE OF PETITIONS

In re Application of :
Frasier, et al. :
Application No. 11/999,480 : ON PETITION
Filed: December 5, 2007 :
Attorney Docket No. **RORO-558**

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

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

The above-identified application became abandoned May 13, 2011, for failure to file a timely appeal brief after filing a Notice of Appeal on May 12, 2011. A Notice of Abandonment was mailed January 10, 2012.

The Request for Continued Examination and amendment filed December 14, 2011, are noted.

The request for an extension of time within the fifth month filed December 14, 2011, is noted, but cannot be granted because the request was made outside the maximum statutory period for reply to the final Office action. The amount of $2,690.00 will be refunded, in due course.

The application file is being forwarded to Technology Center, GAU 1735 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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Krieg DeVault LLP
One Indiana Square
Suite 2800
Indianapolis IN 46204

MAILED
JAN 17 2012
OFFICE OF PETITIONS

In re Application of
Frasier et al.
Application No 11/999,483
Filed: December 5, 2007
Attorney Docket No. RORO-556

ON PETITION

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

The petition is **GRANTED**.

This above-identified application was held abandoned for failure to timely file an appeal brief in response to the Notice of Appeal filed May 12, 2011. No timely request for extension of time were submitted pursuant to 37 CFR 1.136(a). Accordingly the application was held abandoned on July 13, 2011. A Notice of Abandonment was mailed on January 10, 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, and the submission required by 37 CFR 1.114; (2) the petition fee of $1860.00; and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $2690 extension of time fee submitted on December 14, 2011 was subsequent to the maximum extendable period for reply, the fees will be refunded.

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

This application is being referred to Technology Center AU 1735 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
Attorney Advisor
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/999,486	12/05/2007	Stephen G. Perlman	08258.P038X	9497

27660 7590 10/12/2011

THE LAW OFFICES OF BRADLEY J. BEREZNAK
800 WEST EL CAMINO REAL
SUITE 180
MOUNTAIN VIEW, CA 94040

EXAMINER	
STOKELY-COLLINS, JASMINE N	

ART UNIT	PAPER NUMBER
2423	

MAIL DATE	DELIVERY MODE
10/12/2011	PAPER

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

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

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Bradley J. Bereznak
800 West El Camino Real
Suite 180
Mountain View, CA 94040

In re Application of:
Stephen G. Perlman
Application No. 11/999,486
Filed: December 05, 2007
For: System for Reporting Recorded Video Preceding System Failures

DECISION ON PETITION UNDER 37 C.F.R. ∋ 1.84(b)(2) TO ACCEPT COLOR PHOTOGRAPHS

This is a decision on the petition under 37 C.F.R. ∋ 1.84(b)(2), filed February 4, 2008, requesting acceptance of color photographs.

The petition requests that the color photographs for Figure 22 be accepted.

A grantable petition under 37 C.F.R. ∋ 1.84(b)(2) must be accompanied by a fee set forth under 37 C.F.R. ∋ 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed without the amendment to the specification.

The petition is **Dismissed**.

/Brian T. Pendleton/
Brian T. Pendleton
Supervisory Patent Examiner
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/999,487	12/05/2007	Stephen G. Perlman	08258.P039X	9436

27660 7590 10/12/2011

THE LAW OFFICES OF BRADLEY J. BEREZNAK
800 WEST EL CAMINO REAL
SUITE 180
MOUNTAIN VIEW, CA 94040

EXAMINER	
RAMAN, USHA	
ART UNIT	PAPER NUMBER
2424	

MAIL DATE	DELIVERY MODE
10/12/2011	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.

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Bradley J. Bereznak
800 West El Camino Real
Suite 180
Mountain View, CA 94040

In re Application of: Stephen G. Perlman Application No. 11/999,487 Filed: December 05, 2007 For: System for Acceleration of Web Page Delivery	)	**DECISION ON PETITION UNDER 37 C.F.R. ∋ 1.84(b)(2) TO ACCEPT COLOR PHOTOGRAPHS**

This is a decision on the petition under 37 C.F.R. ∋ 1.84(b)(2), filed February 4, 2008, requesting acceptance of color photographs.

The petition requests that the color photographs for Figure 22 be accepted.

A grantable petition under 37 C.F.R. ∋ 1.84(b)(2) must be accompanied by a fee set forth under 37 C.F.R. ∋ 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed without the amendment to the specification.

The petition is **Dismissed**.

/Brian T. Pendleton/
Brian T. Pendleton
Supervisory Patent Examiner
Technology Center 2400

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JAN 17 2012

OFFICE OF PETITIONS

HARNESS DICKEY & PIERCE PLC
PO BOX 828
BLOOMFIELD HILLS MI 48303

In re Patent No. 7,898,110 :
Issue Date: March 1, 2011 :
Application No. 11/999,508 : DECISION ON PETITION
Filed: December 5, 2007 :
Attorney Docket No. 1400C-000005/US :

This is a decision on the "PETITION TO CORRECT NAME OF ASSIGNEE ON PATENT ISSUED", filed December 19, 2011.

The petition is **GRANTED.**

An application may issue in the name of an assignee rather than the applicant if requested prior to issuance of a patent.[1] However, in the event the request is not made prior to issuance, a Certificate of Correction under 37 CFR 1.323 may be requested. A request for a Certificate of Correction under 37 CFR 1.323 to correct the assignee's name will not be granted unless a petition under 37 CFR 3.81(b) is granted. Such request under 37 CFR 3.81(b) should include:

(A) the processing fee required by 37 CFR 1.17(i);

(B) a request for issuance of the application in the name of the assignee, or a request that a patent be corrected to state the name of the assignee;

(C) a statement that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent; and

[1] See 37 CFR 3.81.

(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 $100 fee for the Certificate of Correction is acknowledged. The instant petition requires a $130 processing fee. Petitioner submitted $400. Accordingly, $270 will be refunded to petitioner.

The application 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/999,525	12/05/2007	Stephen G. Perlman	08258.P041X	8744

27660 7590 10/12/2011

THE LAW OFFICES OF BRADLEY J. BEREZNAK
800 WEST EL CAMINO REAL
SUITE 180
MOUNTAIN VIEW, CA 94040

EXAMINER	
SMITH, CHENEA	

ART UNIT	PAPER NUMBER
2421	

MAIL DATE	DELIVERY MODE
10/12/2011	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Bradley J. Bereznak
800 West El Camino Real
Suite 180
Mountain View, CA 94040

In re Application of:
Stephen G. Perlman
Application No. 11/999,525
Filed: December 05, 2007
For: System for Recursive Recombination of Streaming Interactive Video

DECISION ON PETITION UNDER 37 C.F.R. ∋ 1.84(b)(2) TO ACCEPT COLOR PHOTOGRAPHS

This is a decision on the petition under 37 C.F.R. ∋ 1.84(b)(2), filed February 4, 2008, requesting acceptance of color photographs.

The petition requests that the color photographs for Figure 22 be accepted.

A grantable petition under 37 C.F.R. ∋ 1.84(b)(2) must be accompanied by a fee set forth under 37 C.F.R. ∋ 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed without the amendment to the specification.

The petition is **Dismissed**.

/Brian T. Pendleton/
Brian T. Pendleton
Supervisory Patent Examiner
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 25 2011

OFFICE OF PETITIONS

PRICE HENEVELD LLP
695 KENMOOR SE
P.O. BOX 2567
GRAND RAPIDS MI 49501

In re Patent No. 7,810,801
Issue Date: October 12, 2010
Application No. 11/999,563
Filed: December 6, 2007
Attorney Docket No. QUE04 P-334

ON PETITION

This is a decision on the petition filed May 5, 2011, which is being treated as under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a certificate of correction.

The petition is **DISMISSED**.

Petitioner requests issuance of a certificate of correction in the name of "ADOLF Mohr Maschinenfabrik GmbH & Co."

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 **before issuance of the patent**, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter [emphasis added]. *See also* MPEP 1481.01.

U.S. Patent and Trademark Office assignment records disclose that an assignment to "ADOLF MOHR MASCHINENFABRIK GMBH & CO. **KG**." was recorded on February 28, 1996.

Accordingly, issuance of a certificate of correction would not be proper for "ADOLF Mohr Maschinenfabrik GmbH & Co." However, a certificate of correction would be proper for "ADOLF MOHR MASCHINENFABRIK GMBH & CO. **KG**."

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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PRICE HENEVELD LLP
695 KENMOOR SE
P.O. BOX 2567
GRAND RAPIDS MI 49501

MAILED
AUG 23 2011
OFFICE OF PETITIONS

In re Patent No. 7,810,801	:	
Issue Date: October 12, 2010	:	
Application No. 11/999,563	:	ON PETITION
Filed: December 6, 2007	:	
Attorney Docket No. QUE04 P-334	:	

This is a decision on the renewed petition filed August 2, 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 undersigned at (571) 272-3208. 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.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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

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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

MAILED

AUG 1 1 2010

OFFICE OF PETITIONS

In re Application of :
Prakash et al. :
Application No. 11/999,672 : ON PETITION
Filed: December 5, 2007 :
Attorney Docket No. FA1157USNA :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 17, 2010 and supplemented on June 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed January 9, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 10, 2008. A Notice of Abandonment was mailed September 18, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a declaration and surcharge of $130, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

Petitioner should note that the petition fee of $1,620, submitted on June 15, 2010, was previously paid and therefore will be credited to petitioner's deposit account as authorized.

Further, the Power of Attorney filed June 15, 2010, is hereby accepted and made of record. The Notice of Acceptance of Power of Attorney is enclosed.

This application file is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059. Telephone inquiries related to OPAP processing should be directed to their hotline at (271) 272-4000

Carl Friedman
Petitions Examiner
Office of Petitions

Enclosure: Notice of Acceptance of Power of Attorney

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/999,672	12/05/2007	Arun Prakash	FA1157USNA

CONFIRMATION NO. 9537

POA ACCEPTANCE LETTER

23906
E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

Date Mailed: 07/27/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/15/2010.

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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115 3RD STREET SE, SUITE 500
P.O. BOX 2107
CEDAR RAPIDS, IA 52406

MAILED

APR 12 2011

OFFICE OF PETITIONS

In re Application of Spence et al. :
Application No. 11/999,756 : Letter
Filing Date: December 7, 2007 :
Attorney Docket No. 17968-3 :

This is a letter addressing the request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) filed February 24, 2011, and supplemented on March 9, 2011.

The deficiency payment of $246 is NOT ACCEPTED.

The application was filed December 7, 2007, with 21 claims. Four of the 21 claims were independent claims.

The application included the large-entity fee required for the submission of one claim in excess of 20 and the large-entity fee required for one independent claim in excess of three.

An amendment was filed November 29, 2010. As a result of the amendment, the application included 21 claims. Five of the 21 claims are independent claims. Applicants submitted the small-entity fee of $26 required for one claim in excess of 20 and submitted the small-entity fee of $220 required for two independent claims in excess of three.

Applicants indicate the fees submitted on November 29, 2010, should have been paid in the amount due for a large entity. The request includes an additional $26 for one claim in excess of 20 and an additional $220 for two claims in excess of three. The petition states the fees are being submitted pursuant to 37 CFR 1.28(c).

The provisions of 37 CFR 1.28(c) are only applicable when a party has established status as a small entity in error and paid fees as small entity in good faith. Applicants have never claimed status as a small entity. Therefore, the fees cannot be accepted pursuant to 37 CFR 1.28(c).

Even if the provisions of 37 CFR 1.28(c) were applicable, the submission of the $246 "deficiency" would not be accepted.

MPEP 607(III) states, with emphasis added, "Upon submission of an amendment (whether entered or not) affecting the claims, payment of fees for those claims in excess of the number *previously paid for* is required."

The November 29, 2010 amendment includes one claim in excess of 20. Applicants previously paid for one independent claim in excess of 20 on December 7, 2007. Therefore, an additional fee for the single claim in excess of 20 is unnecessary.

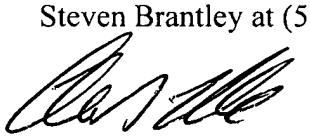
The November 29, 2010 amendment includes two claims independent claims in excess of 3. Applicants paid for one independent claim in excess of 3 on December 7, 2007. Therefore, an additional fee was only necessary for one independent claim in excess of 20 on November 29, 2010.

In view of the prior discussion, the only fee due for excess claims on November 29, 2010, was $220, which is the large-entity fee required for each independent claim in excess of three.

Applicants submitted a total of $246 for excess claims on November 29, 2010. Since the amount submitted on November 29, 2010, was greater than the amount required, payment of a "deficiency" is unnecessary. The Office has credited $26 ($246 - $220) of the excess claim fees submitted on November 29, 2010, back to the credit card used to pay the fees.

Pursuant to Applicants' instructions, the Office charged the $246 "deficiency" to Deposit Account No. 50-4904 on March 10, 2011. However, as previously discussed, the additional $246 is unnecessary and the $246 payment has been credited back to the deposit account.

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



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, CA 92656

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JUN 06 2011

OFFICE OF PETITIONS

In re Application of :
Franze B. Boncodin :
Application No. 11/999,837 : DECISION ON PETITION
Filed: December 7, 2007 : TO WITHDRAW
Attorney Docket No. BONCO-005A : 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 4, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Matthew A. Newboles 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 Franz Boncodin 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: **Franz Boncodin**
P.O. Box 8157
Long Beach, CA 90808

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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
11/999,837	12/07/2007	Franze B. Boncodin	BONCO-005A

CONFIRMATION NO. 9856

POWER OF ATTORNEY NOTICE

7663
STETINA BRUNDA GARRED & BRÜCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA 92656

Date Mailed: 06/06/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/04/2011.

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

/tsjohnson/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Decision Date : September 2,2011

In re Application of :

Edwin Sanchez

Application No : 11999847

Filed : 06-Dec-2007

Attorney Docket No : 11271.02.USU01

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 2,2011

The request is **APPROVED.**

The request was signed by Mark D. Miller (registration no. 32277) on behalf of all attorneys/agents associated with Customer Number 13442 . All attorneys/agents associated with Cusotmer Number 13442 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	Edwin Sanchez
Name2	
Address 1	170 E. Broadway
Address 2	
City	Atwater
State	CA
Postal Code	95349
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 **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	11999847
Filing Date	06-Dec-2007
First Named Inventor	Edwin Sanchez
Art Unit	3716
Examiner Name	CARL LARSEN
Attorney Docket Number	11271.02.USU01
Title	Casino service and display unit

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 13442

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

10.40(c)(1)(iv)

10.40(c)(1)(vi)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Edwin Sanchez
Address	170 E. Broadway
City	Atwater
State	CA
Postal Code	95349

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Mark D. Miller/
Name	Mark D. Miller
Registration Number	32277

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LORUSSO & ASSOCIATES
PO BOX 21915
PORTSMOUTH NH 03801

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OFFICE OF PETITIONS

In re Application of
Beswick, et al.
Application No.: 11/999,941
Filed: December 7, 2007
Attorney Docket No. **BES-7006**

ON PETITION

This is in response to the petition under 37 CFR 1.137(b) filed March 23, 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 manner to the Notice to File Missing Parts of Non-Provisional Application mailed January 10, 2008. The notice set a shortened period for reply of two-months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). A proper response was not received within the allowable period and the application became abandoned on April 11, 2008. A Notice of Abandonment was mailed on October 21, 2008.

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 (3) above.

As to (3), the *Manual of Paten Examining Procedure*, Section 7711.03(c) provides, in pertinent part, that:

> Where a petition pursuant to 37 CFR 1.137(b) is not filed within 1 year of the date of abandonment of the application (note that abandonment takes place by operation of law, rather than by the mailing of a Notice of Abandonment), the Office may require:
>
> (A) further information as to when the applicant (or the applicant's representative) first became aware of the abandonment of the application; and
>
> (B) a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant (or applicant's representative).
>
> To avoid delay in the consideration of the merits of a petition under 37 CFR 1.137(b) in instances in which such petition was not filed within 1 year of the date of abandonment of the application, applicants should include:
>
> (A) the date that the applicant first became aware of the abandonment of the application; and
>
> (B) a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant.
>
> In either instance, applicant's failure to carry the burden of proof to establish that the "entire" delay was "unavoidable" or "unintentional" may lead to the denial of a petition under 37 CFR 1.137(a) or 37 CFR 1.137(b), regardless of the circumstances that originally resulted in the abandonment of the application.

Petitioner did not provide not explanation for the more than two year delay in filing the instant petition. Accordingly, the renewed petition must be accompanied by an explanation for said delay including, but not limited to, the considerations provided in MPEP § 711.03(c) cited above.

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

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

LORUSSO & ASSOCIATES
PO BOX 21915
PORTSMOUTH NH 03801

In re Application of :
Beswick, et al. :
Application No.: 11/999,941 : ON PETITION
Filed: December 7, 2007 :
Attorney Docket No. **BES-7006** :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 12, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Non-Provisional Application mailed January 10, 2008. The notice set a shortened period for reply of two-months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). A proper response was not received within the allowable period and the application became abandoned on April 11, 2008. A Notice of Abandonment was mailed on October 21, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an executed declaration, replacement drawings, and a surcharge; (2) the petition fee of $810.00, and (3) an adequate statement of unintentional delay.

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

The application file is being directed to the Office of Patent Application Processing further processing.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
Wenzhao Xiao

Application No. 11999954

Filed: December 8,2007

Attorney Docket No.

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

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 04-FEB-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

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

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

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

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4000 LEGATO ROAD
SUITE 310
FAIRFAX, VA 22033

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OCT 25 2010

OFFICE OF PETITIONS

In re Application of :
I-Chang Chang :
Application No. 12/000,085 : ON PETITION
Filed: December 7, 2007 :
Attorney Docket No.: 5545/0342PUS1 :

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

The petition is **DISMISSED.**

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

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed January 9, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on March 10, 2008. A Notice of Abandonment was mailed on September 17, 2008. On August 25, 2010, the present petition was filed.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by

37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. *See* MPEP 711.03(c)(II)(C) and (D). The 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 (1) and (2).

As to Period (1):

The patent statute at 35 U.S.C. § 41(a)(7) authorizes the Director to revive an "unintentionally abandoned application." The legislative history of Public Law 97-247 reveals that the purpose of 35 U.S.C. § 41(a)(7) is to permit the Office to have more discretion than in 35 U.S.C. §§ 133 or 151 to revive abandoned applications in appropriate circumstances, but places a limit on this discretion, stating that "[u]nder this section a petition accompanied by either a fee of $500 or a fee of $50 **would not be granted where the abandonment** or the failure to pay the fee for issuing the patent **was intentional** as opposed to being unintentional or unavoidable." [emphasis added]. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6-7 (1982), *reprinted in* 1982 U.S.C.C.A.N. 770-71. The revival of an intentionally abandoned application is antithetical to the meaning and intent of the statute and regulation.

35 U.S.C. § 41(a)(7) authorizes the Director to accept a petition "for the revival of an unintentionally abandoned application for a patent." As amended December 1, 1997, 37 CFR 1.137(b)(3) provides that a petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional, but provides that "[t]he Commissioner may require additional information where there is a question whether the delay was

unintentional." Where, as here, there is a question whether the initial delay was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). *See* In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). Here, in view of the inordinate delay (over two years) in resuming prosecution, there is a question whether the entire delay was unintentional. Petitioner should note that the issue is not whether some of the delay was unintentional by any party; rather, the issue is whether the entire delay has been shown to the satisfaction of the Director to be unintentional. As petitioner was not associated with this case at the time of abandonment, the statement of unintentional delay by Mr. Muncy, who was not the counsel at record at the time of abandonment, is not persuasive.

The question under 37 CFR 1.137(b) for period (1) is whether the delay on the part of the party having the right or authority to reply to avoid abandonment (or not reply) was unintentional. Accordingly, any renewed petition must clearly identify the party having the right to reply to avoid abandonment on March 10, 2008. That party, in turn must explain what effort(s) was made to further reply to the outstanding Office action and, further, why no reply was filed. If no effort was made to further reply, then that party must explain why the delay in this application does not result from a deliberate course of action (or inaction). As the courts have made clear, it is pointless for the USPTO to revive a long abandoned application without an adequate showing that the delay did not result from a deliberate course of action. *See* Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005); Lumenyte Int'l Corp. v. Cable Lite Corp., Nos. 96-1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional).

As to Period (2):

Likewise, where the applicant deliberately chooses not to seek or persist in seeking the revival of an abandoned application, or where the applicant deliberately chooses to delay seeking the revival of an abandoned application, the resulting delay in

seeking revival of the abandoned application cannot be considered as "unintentional" within the meaning of 37 CFR 1.137(b). *See* MPEP 711.03(c).

The language of both 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b) are clear and unambiguous, and, furthermore, without qualification. That is, the delay in filing the reply during prosecution, as well as in filing the petition seeking revival, must have been, without qualification, "unintentional" for the reply to now be accepted on petition. The Office requires that the entire delay be at least unintentional as a prerequisite to revival of an abandoned application to prevent abuse and injury to the public. *See* H.R. Rep. No. 542, 97th Cong., 2d Sess. 7 (1982), reprinted in 1982 U.S.C.C.A.N. 771 ("[i]n order to prevent abuse and injury to the public the Commissioner . . . could require applicants to act promptly after becoming aware of the abandonment"). The December 1997 change to 37 CFR 1.137 did not create any new right to overcome an intentional delay in seeking revival, or in renewing an attempt at seeking revival, of an abandoned application. *See* Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53160 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 87 (October 21, 1997), which clearly stated that any protracted delay (here, over two years) could trigger, as here, a request for additional information. As the courts have since made clear, a protracted delay in seeking revival, as here, requires a petitioner's detailed explanation seeking to excuse the delay as opposed to USPTO acceptance of a general allegation of unintentional delay. *See* Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633, at 1637-8 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005) at *21-*23. Statements are required from any and all responsible person(s) having firsthand knowledge of the circumstances surrounding the protracted delay, after the abandonment date, in seeking revival.

As noted in MPEP 711.03(c)(II), subsection D, in instances in which such petition was not filed within 1 year of the date of abandonment of the application, applicants should include:

> (A) the date that the applicant first became aware of the abandonment of the application; and
> (B) a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant.

In either instance, applicant's failure to carry the burden of proof to establish that the "entire" delay was "unavoidable" or "unintentional" may lead to the denial of a petition under 37 CFR 1.137(b), regardless of the circumstances that originally resulted in the abandonment of the application. *See also* New York University v. Autodesk, 2007 U.S. DIST LEXIS, U.S.District LEXIS 50832, *10 -*12 (S.D.N.Y. 2007)(protracted delay in seeking revival undercuts assertion of unintentional delay).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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

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

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

By Internet: EFS-Web[1]

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.

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: JOE MCKINNEY MUNCY
P.O. BOX 1364
FAIRFAX, VA 22038-1364

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SUITE 310
FAIRFAX, VA 22033

MAILED
MAR 09 2011
OFFICE OF PETITIONS

In re Application of :
I-Chang Chang :
Application No. 12/000,085 : ON PETITION
Filed: December 7, 2007 :
Attorney Docket No.: 5545/0342PUS1 :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed January 9, 2008. A Notice of Abandonment was mailed on September 17, 2008. On August 25, 2010, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed October 25, 2010. On December 23, 2010, the present petition was filed.

While this application has been abandoned for an extended period of time, the U.S. Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." *See* Changes to Patent Practice and Procedure, 62 Fed. Reg., at 53160 and 53178; 1203 Off. Gaz. Pat. Office, at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the U.S. Patent and Trademark Office).

Accordingly, the petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the $110 basic filing fee, $270 search fee, $110 examination fee, and the $65 surcharge; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing.

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.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

AUG 29 2011

OFFICE OF PETITIONS

In re Application of :
Dirk Haft et al. :
Patent No. 7,579,752 :
Issued: August 25, 2009 : NOTICE
Application No. 12/000,099 :
Filed: December 7, 2007 :
Attorney Docket No. **1690.1036** :

This is a notice regarding your request filed August 12, 2011, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/000,197	12/10/2007	Chiharu Totani	T36-241463/SW	1274

21254 7590 08/09/2010

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER	
MAY, ROBERT J	

ART UNIT	PAPER NUMBER
2885	

MAIL DATE	DELIVERY MODE
08/09/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCGINN INTERLECTUAL PROPERTY LAW GROUP, PLLC
8321 Old Courthouse Road,
Suite 200
Vienna, VA 22182-3817

In re Application of:
TOTANI et al.
Application Serial No.: 12/000,197
Filed: December 10, 2007
For: Lighting Device for Vehicle

DECISION ON PETITION TO CORRECT INVENTORSHIP
37 CFR § 1.48 (a)

This is a decision on the petition under 37 C.F.R. § 1.48 (a) filed December 23, 2008, to correct Inventorship in the above-identified Patent Application.

The instant application was filed December 10, 2007 listing Chiharu Totani, Akihiro Misawa, Tatsuya Oba, and Tetsuya Arakawa as the only inventors. Petition requests that the above-identified application amend the inventorship to add the following inventor, which was unintentionally omitted.

Shinya Watanabe

Based on the filed record as a whole and the facts as set forth and in the petition, the error in inventorship occurred without deceptive intent and was diligently corrected.

Accordingly, the petition is **GRANTED.**

The application is being forwarded to the technical support staff for the name correction, and will then be forwarded to issue branch for processing into a patent.

Jong-Suk (James) Lee
Supervisory Patent Examiner
Art Unit 2885

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED
NOV 16 2011
OFFICE OF PETITIONS

In re Patent No. 7,886,905	:	
Issue Date: February 15, 2011	:	
Application No. 12/000,201	:	ON PETITION
Filed: December 10, 2007	:	
Attorney Docket No. 0080.0252PUS1	:	

This is a decision on the petition filed October 25, 2011, a request under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MURPHY & KING PROFESSIONAL CORPORATION
1055 THOMAS JEFFERSON STREET, NW
SUITE 400
WASHINGTON, DC 20007

MAILED

MAR 11 2011

OFFICE OF PETITIONS

In re Application of :
Takashi Yamagajo et al :
Application No. 12/000,252 :
Filed: December 11, 2007 :
Attorney Docket No. RFID TAG

ON PETITION

This is a decision on the petition, filed March 10, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This matter is being referred to Technology Center AU 2821 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).

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

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12000252
Filing Date	11-Dec-2007
First Named Inventor	Takashi Yamagajo
Art Unit	2821
Examiner Name	DIEU DUONG
Attorney Docket Number	5254-041-US01
Title	RFID TAG

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	/Chadwick A. Jackson/
Name	Chadwick A. Jackson
Registration Number	46495

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : August 5,2011

In re Application of :

Takashi Yamagajo

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12000252

Filed : 11-Dec-2007

Attorney Docket No : 5254-041-US01

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed August 5,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

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

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

This application file is being referred to Technology Center AU 2821 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

Paul R. Hashim
Suite 101
3801 Pegasus Drive
Bakersfield CA 93308

MAILED

JAN 25 2011

OFFICE OF PETITIONS

In re Application of :
Paul Hashim : DECISION ON PETITION
Application No. 12/000,357 :
Filed: December 12, 2007 :
Title: TREE NAIL :

This is a decision on the PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 C.F.R. § 1.137(b) filed November 16, 2010.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply to the Notice of Non-compliant Amendment mailed June 22, 2010. A non-final Office action was mailed on May 27, 2009. This Office action set a three-month shortened statutory period for reply, with extensions of time obtainable under § 1.136(a). Applicant filed amendments in reply. However, on February 1, 2010, May 11, 2010 and June 22, 2010, Notices of Non-compliant Amendment were mailed in response to each responsive amendment. The last Notice of Non-compliant Amendment did not set a new time period for reply. Rather a one-month period for reply continued to run from the mail date of the prior Notice of Non-compliant Amendment, May 11, 2010. As such, the period for filing an acceptable reply expired June 11, 2010. Thus, the further reply filed August 4, 2010 was filed outside of the period for reply and was not considered. The application became abandoned effective June 12, 2010. The filing of the instant petition precedes the mailing of a courtesy Notice of Abandonment.

The provisions of 37 C.F.R. § 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to

revive an abandoned application or a lapsed patent. A petition filed 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 § 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 includes payment of the petition fee and the required statement of unintentional delay. No terminal disclaimer is required. The required reply in the form of an amendment was previously filed on August 4, 2010.

Technology Center AU 3635 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the amendment filed on August 4, 2010.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

MAILED

JUN 17 2011

OFFICE OF PETITIONS

In re Application of	:	
Hao-Chan WEI et al.	:	
Application No. 12/000,369	:	
Filed: December 12, 2007	:	NOTICE UNDER 37 CFR. 1.28(c)
Patent No. 7,573,651	:	
Issued: August 11, 2009	:	
Attorney Docket No. WEIH3007/JJC/JS	:	

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

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

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

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

Inquiries related to this communication should be directed to Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE NW
WASHINGTON DC 20005

MAILED
JAN 05 2012
OFFICE OF PETITIONS

In re Application of :
Mohri, et al. :
Application No. 12/000,459 : ON PETITION
Filed: December 12, 2007 :
Attorney Docket No. 2221.1157 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed December 23, 2011.

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

The holding of abandonment is **WITHDRAWN**.

This application became abandoned by operation of law for failure to timely file a reply to the final Office action, mailed April 13, 2011. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on July 14, 2011. The Office mailed a Notice of Abandonment on October 24, 2011.

Petitioner contends that he did not receive the April 13, 2011 Office action.

To establish nonreceipt of an Office action, a petitioner must: 1) include a statement that the Office action was not received; 2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3)

include a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed.[1]

A proper docket report consists of:

> a docket record where the nonreceived Office action would have been entered had it been received and docketed."[2] "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted. 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[3]

Petitioner has met the above requirements. Specifically, petitioner has submitted a copy of a master docket, showing all of his replies docketed for with a due date during the time frame of July 13, 2011 to July 15, 2011. An entry for the instant application does not appear, supporting the conclusion that the April 13, 2011 Office action was not received.

The application is being forwarded to Group Art Unit 2491 for re-mailing of the April 13, 2011 Office action to the above address of record, setting a new period for reply.

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

Cliff Congo
Petitions Attorney
Office of Petitions

---

[1] See MPEP 711.03(c)(II).

[2] Id.

[3] Id.

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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.
12/000,506	12/13/2007	Yoo-jin Song	304/097	3970

7590 09/07/2010

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

EXAMINER	
SHALWALA, BIPIN H	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
09/07/2010	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

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.
12/000,572	12/13/2007	Alistair Crone Bruce	SCS-550-999	4518

23117 7590 10/25/2011

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

EXAMINER	
ROSSITER, SEAN D	
ART UNIT	**PAPER NUMBER**
2186	

MAIL DATE	DELIVERY MODE
10/25/2011	PAPER

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

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

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ALEXANDRIA, VA 22313-1450
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of: Alistair Crone BRUCE
Application No. 12/000,572
Attorney Docket No. **SCS-550-999**
Filed: December 13, 2007
For: **MEMORY CONTROLLER WITH WRITE DATA CACHE AND READ DATA CACHE**

DECISION ON PETITION

This is a decision on the petition filed on August 30, 2011, requesting that the shortened statutory period for reply set forth in the Office communication (Non-Final Rejection) mailed on June 7, 2011 be reset to run from the date on which the Office communication was actually received at the correspondence address of record.

The instant petition requests that the shortened statutory period for reply set forth in the Office communication (Non-Final Rejection) mailed on June 7, 2011, be reset to run from August 29, 2011, the date on which the Office communication was actually received at the correspondence address of record, via download from the PAIR system.

On review of the file, prosecution history reveals that Applicant has timely filed the response to the non-final office action on September 6, 2011, within the shortened statutory time set in the office action mailed June 7, 2011.

Therefore, the petition is hereby **DISMISSED AS MOOT**.

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

Mano Padmanabhan
Quality Assurance Specialist,
Technology Center 2100, Work Group 2180

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/000,622	12/14/2007	Roy C. Haught	HAUGHT I	5049

7590 08/26/2010

Jenski Patent Law LLC
2880 NW Rolling Green Dr
Corvallis, OR 97330

EXAMINER	
EVANS, FANNIE L	
ART UNIT	PAPER NUMBER
2877	
MAIL DATE	DELIVERY MODE
08/26/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jenski Patent Law, LLC
2880 NW Rolling Green Dr.
Corvallis, OR 97330

In re Application of Roy C. Haught et al.
Application No.: 12/000,622
Filed: December 14, 2007
For: ZERO ANGLE PHOTO SPECTROPHOTOMETER FOR MONITORING OF WATER SYSTEMS

DECISION ON PETITION TO WITHDRAW FROM ISSUE

This is a decision on the petition under 37 C.F.R. § 1.313(a), filed June 29, 2010, to withdraw the above-identified application from issue.

The petition is DISMISSED AS MOOT.

Petitioners, the U.S. Government as represented by the U.S. Environmental Protection Agency – the Office of General Counsel, request that the application be withdrawn from issue. Petitioners assert that the amendments filed by patent practitioner Jenski and the designation of the application as a CIP application of an earlier patent wholly owned by ZAPS are harmful to the U.S. Government's interests.

It is noted that a copy of an assignment from one of the inventors, Roy C. Haught, to the U.S. Government was submitted on June 21, 2010, and establishes that the U.S. Government is a current co-owner of the invention. It is also noted that a Power of Attorney and Change of Address by inventor Roy C. Haught was also submitted on June 21, 2010. This submission does not comply with the conditions as outlined in M.P.E.P. § 402.10.

A letter expressly abandoning the application under 37 C.F.R. § 1.138 was filed on August 11, 2010. This express abandonment of the instant application renders the requested relief moot.

Accordingly, the petition is hereby dismissed as moot in view of the abandonment of the application.

A courtesy copy of this decision is being mailed to the EPA's Office of the General Counsel at the address below. Please be reminded that the USPTO does not conduct double correspondence. See 37 C.F.R. § 1.33 and M.P.E.P. §§ 403.1 *et seq*.

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.

Richard K. Seidel, Group Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

Cc: Laura Scalise
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Ave., NW (MC 2377A)
Washington, DC 20460

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/000,641	12/14/2007	Hyuk-soon Choi	2557-000799/US	5483

7590 02/11/2011

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

EXAMINER	
HU, SHOUXIANG	

ART UNIT	PAPER NUMBER
2811	

MAIL DATE	DELIVERY MODE
02/11/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

February 11, 2011

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

In re Application of	:	
Hyuk-Soon Choi et al.	:	**DECISION ON PETITION**
Application No. 12000641	:	
Filed: 12/14/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 2557-000799/US	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) March 28, 2008.

The petition is **GRANTED**.

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

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

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

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

/Don Fairchild/
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/000,814	12/18/2007	Hidekazu Miyairi	740756-3148	6006

7590 02/28/2011

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

EXAMINER	
NGUYEN, PHILLIP	
ART UNIT	PAPER NUMBER
2828	
MAIL DATE	DELIVERY MODE
02/28/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

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

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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February 28, 2011

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

In re Application of	:	
Hidekazu Miyairi et al.	:	**DECISION ON PETITION**
Application No. 12000814	:	
Filed: 12/18/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 740756-3148	:	***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 18, 2007.

The petition is **GRANTED**.

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

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

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

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

/Don Fairchild/
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Date : September 8, 2010

TO : Director, Office of Data Management

FROM : Office of Petitions

SUBJECT : Withdrawal from Issue of **Application No. 12/000,827**

Applicant(s) : Shunpei Yamazaki, et al.
Application No. : 12/000,827
Filed : December 18, 2007

The above-identified application has been assigned Patent No. 7,794,517 and an issue date of September 14, 2010.

It is hereby directed that this application be withdrawn from issue at the request of the applicant. Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of September 14, 2010:

"All reference to Patent No. 7,794,517 to SHUNPEI YAMAZAKI, ET AL. of JAPAN for AIR SHOWER DEVICE, BUILDING, AND SYSTEM FOR REDUCING HAY FEVER appearing in the Official Gazette of September 14, 2010 should be deleted since no patent was granted."

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: Paul Harrison
Deneise Boyd
Mary Louise McAskill
Niomi Farmer
Mary E. Johnson (Cookie)
Dave Bender
Brad Harris
Kim Terrell
Lamont Fletcher

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: RIED3014/FJD	Patent Number: 7665370
Filing Date (or 371(b) or (f) Date): 2007-12-19	Issue Date: 2010-02-23
First Named Inventor: Alfred Rieder	
Title: VIBRATION-TYPE MEASURING TRANSDUCER HAVING CONNECTING LINES SECURED POINTWISE TO THE TRANSDUCER HOUSING	

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

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

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

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

Signature /ThomasJMoore/	Date 2010-08-20
Name (Print/Typed) Thomas J. Moore	Registration Number 28974

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below**.

☐ *Total of _____ forms are submitted.

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

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

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.

Instruction Sheet for:
REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

(Not to be Submitted to the USPTO)

This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A).

This form must be filed within 180 days of the day the patent was granted, with the following exception:

> Patentees who received a decision from the USPTO under the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A) may file a request for reconsideration of that decision if such a request for reconsideration is filed within **two months** of the date of the decision (37 CFR 1.181(f)). If the patentee's sole basis for requesting reconsideration of the decision is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A), the request for reconsideration need only state that reconsideration is being requested in view of Wyeth (this form may be used for this purpose if it is filed within **two months** of the date of the decision from the USPTO).

Do not use this form if the application has been allowed, but not yet issued as a patent.

1. **For patents issued before March 2, 2010:** A request for reconsideration under 37 CFR 1.705(d) and the fee set forth in 37 CFR 1.18(e) are not required, provided that the patentee's sole basis for requesting recalculation of the PTA in the patent is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) and this form is filed within 180 days of the day the patent was granted.

2. **For patents issued on or after March 2, 2010 (do not use this form):** Patentees seeking a revised PTA in a patent issued on or after March 2, 2010, must file a request for reconsideration under 37 CFR 1.705(d) that complies with the requirements of 37 CFR 1.705(b)(1) and (b)(2) within two months of the day the patent issued.

For more information, see "Notice Concerning Calculation of the Patent Term Adjustment With Respect to the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)" available on the USPTO Web site at http://www.uspto.gov/patents/law/notices/2010.jsp.

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

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 09/14/2010

Applicant	: Alfred Rieder	: DECISION ON REQUEST FOR
Patent Number	: 7665370	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/000,934	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **31** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MAILED
MAR 23 2012
OFFICE OF PETITIONS

Russ Weinzimmer
614 Nashua Street
Suite 53
Milford NH 03055

In re Application of :
ANDREW STEINMEYER :
Application No. 12/001,014 : DECISION ON PETITION
Filed: 12/07/2007 :
Attorney Docket No. STEINMEYER-001 :

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 reply in a timely manner to the non-final Office action, mailed February 3, 2011, which set a shortened statutory period for reply of three (3) months. On October 19, 2011, 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.

This application is being referred to Technology Center AU 3781 for appropriate action by the Examiner on the reply received on July 5, 2011.

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

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/001,043	12/07/2007	Christoph Steeneck	A-1318-US-DIV	1816

21069 7590 12/22/2010

AMGEN INC.
MAIL STOP 28-2-C
ONE AMGEN CENTER DRIVE
THOUSAND OAKS, CA 91320-1799

EXAMINER	
MURRAY, JEFFREY H	
ART UNIT	PAPER NUMBER
1624	
MAIL DATE	DELIVERY MODE
12/22/2010	PAPER

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

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

OK TO ENTER: /J.M./

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Christoph Steeneck, et al.	Confirmation No.:	1816
Patent No.:	7,795,245	Group Art Unit No.:	1624
Issued:	09-14-2010	Examiner:	Jeffrey H. Murray
For:	HETEROBICYCLIC METALLOPROTEASE INHIBITORS		
Docket No.:	A-1318-US-DIV		

REQUEST FOR SECOND CERTIFICATE OF CORRECTION

Mail Stop Post Issue
Attention Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner:

The above-identified granted U.S. Patent No. 7,795,245 (the '245 patent) has a typographical error in the definition of R^{52} in claim 6. Specifically, the issued claim 6 recites incorrect R^{52} definition as follows, wherein 4 occurrences of the term "5- to 6-" were missing from the term "5- to 6-membered heteroaryl/heteroarylalkyl" (emphases added for clarification only):

- R^{52} is selected from the group consisting of hydrogen, halo, CN, hydroxy, alkoxy, fluoroalkoxy, alkyl, aryl, **membered heteroaryl**, arylalkyl, cycloalkylalkyl, **membered heteroarylalkyl**, haloalkyl, $C(O)NR^{10}R^{11}$ and $SO_2NR^{10}R^{11}$, wherein alkoxy, fluoroalkoxy, alkyl, aryl, **membered heteroaryl**, arylalkyl, cycloalkylalkyl, **membered heteroarylalkyl**, and haloalkyl are optionally substituted one or more times. -

On October 1, 2009, Applicants filed an amendment in response to a Final Office Action dated September 15, 2009, which resulted in a Notice of Allowance dated December 8, 2009. In the October 1, 2009 response, the R^{52} definition was recited correctly in the allowed claim 8, which issued as claim 6 in the '245 patent (see attached pages 12 and 13 of the filed response). After the issue fee was paid (March 8, 2010), Applicants noticed that the allowed claim 15 contained a typographical error concerning a compound that was inadvertently deleted by the Examiner. The Applicants called the Examiner and discussed the inadvertent error, and the Examiner suggested amending the allowed claim 15. In response, Applicants filed an amendment after allowance under Rule 312 dated March 1, 2010 to correct the error in the allowed claim 15. The allowed claim 8 (which issued as claim 6 in the '245 patent) was not amended, as evidenced

CERTIFICATE OF EFS-WEB TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted electronically through EFS-WEB to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on the date appearing below.

December 9, 2010	/Christine Vu/
Date	Signature

by the (previously presented) claim identifier and the clear explanation in the remarks which focused on claims 13 and 15. However, in claim 8 filed in the amendment after allowance under Rule 312 dated March 1, 2010, 4 occurrences of the term "5- to 6-" were inadvertently crossed out (see attached pages 9 and 10 of the Amendment after allowance), and the typographical errors made their way to the '245 patent.

Applicants respectfully submit that the above missing terms are inadvertently deleted and do not add new matter. Applicants respectfully request a Certificate of Correction for the R^{52} definition in the issued claim 6 of the '245 patent to read as follows (emphases added for clarification only):

- R^{52} is selected from the group consisting of hydrogen, halo, CN, hydroxy, alkoxy, fluoroalkoxy, alkyl, aryl, **5- to 6-membered heteroaryl**, arylalkyl, cycloalkylalkyl, **5- to 6-membered heteroarylalkyl**, haloalkyl, $C(O)NR^{10}R^{11}$ and $SO_2NR^{10}R^{11}$, wherein alkoxy, fluoroalkoxy, alkyl, aryl, **5- to 6-membered heteroaryl**, arylalkyl, cycloalkylalkyl, **5- to 6-membered heteroarylalkyl**, and haloalkyl are optionally substituted one or more times. -

No fee is believed to be due with this paper, other than the fee set forth in 37 C.F.R. 1.20(a), in the amount of $100.00. The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 010519.

.

Please send all future correspondence to:

Respectfully submitted,

/Elsa D. Lemoine/

CUSTOMER NO: 21069
US Patent Operations / EDL
Alantos Pharmaceuticals Holding, Inc.
One Amgen Center Drive / MS 28-2-C
Thousand Oaks, California 91320-1799

Elsa D. Lemoine
Attorney for Applicant(s)
Registration No.: 45,963
Phone: (805) 447-3278
Date: December 9, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,795,245
APPLICATION NO. : 12/001,043
ISSUE DATE : 09-14-2010
INVENTOR(S) : Christoph Steeneck, et al.

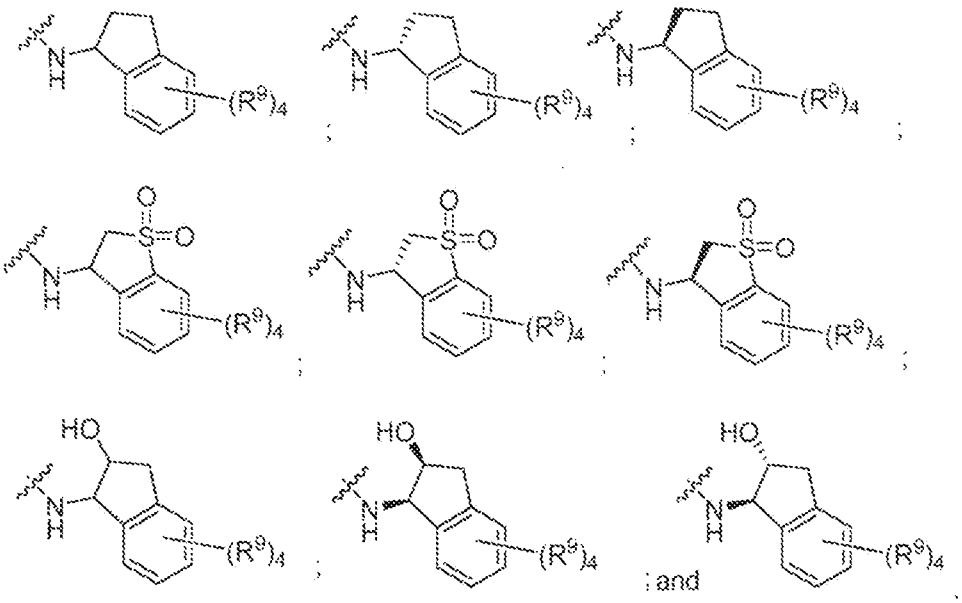
It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In Claim 6 of the Issued Patent, the definition of R^{52} should read as follows:

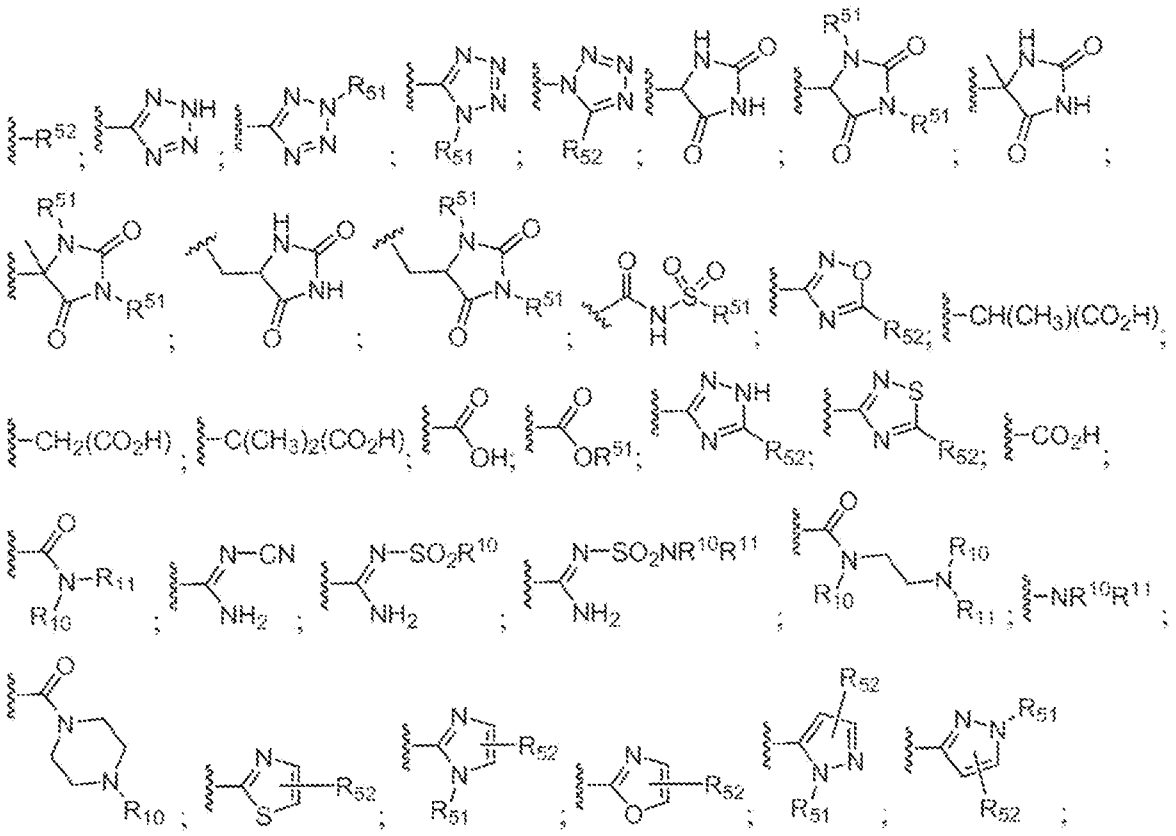
R^{52} is selected from the group consisting of hydrogen, halo, CN, hydroxy, alkoxy, fluoroalkoxy, alkyl, aryl, 5- to 6-membered heteroaryl, arylalkyl, cycloalkylalkyl, 5- to 6-membered heteroarylalkyl, haloalkyl, $C(O)NR^{10}R^{11}$ and $SO_2NR^{10}R^{11}$, wherein alkoxy, fluoroalkoxy, alkyl, aryl, 5- to 6-membered heteroaryl, arylalkyl, cycloalkylalkyl, 5- to 6-membered heteroarylalkyl, and haloalkyl are optionally substituted one or more times.

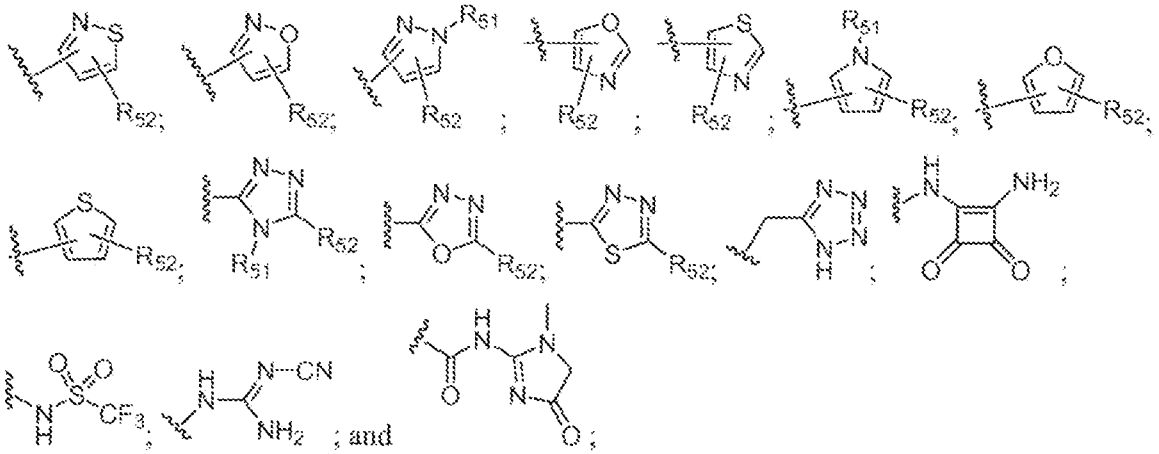
MAILING ADDRESS OF SENDER

Alantos Pharmaceuticals Holding, Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799



8. (previously presented) The compound according to claim 7, wherein R^9 is selected from the group consisting of:

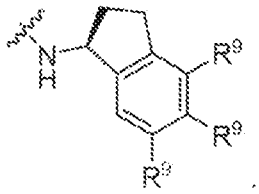




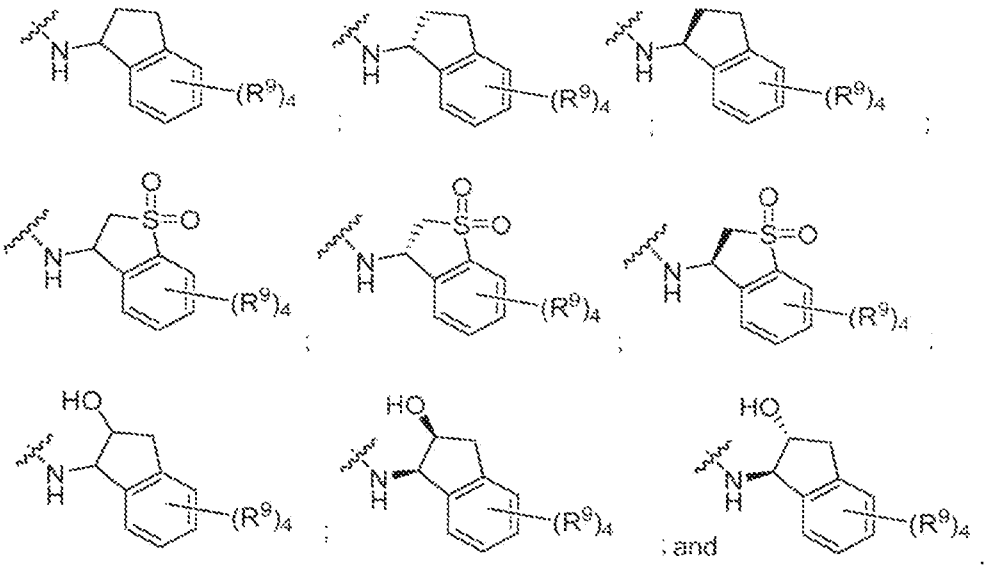
wherein:

R^{52} is selected from the group consisting of hydrogen, halo, CN, hydroxy, alkoxy, fluoroalkoxy, alkyl, aryl, ~~5- to 10-~~ 5- to 6- membered heteroaryl, arylalkyl, cycloalkylalkyl, ~~5- to 10-~~ 5- to 6- membered heteroarylalkyl, haloalkyl, $C(O)NR^{10}R^{11}$ and $SO_2NR^{10}R^{11}$, wherein alkoxy, fluoroalkoxy, alkyl, aryl, ~~5- to 10-~~ 5- to 6- membered heteroaryl, arylalkyl, cycloalkylalkyl, ~~5- to 10-~~ 5- to 6- membered heteroarylalkyl, and haloalkyl are optionally substituted one or more times.

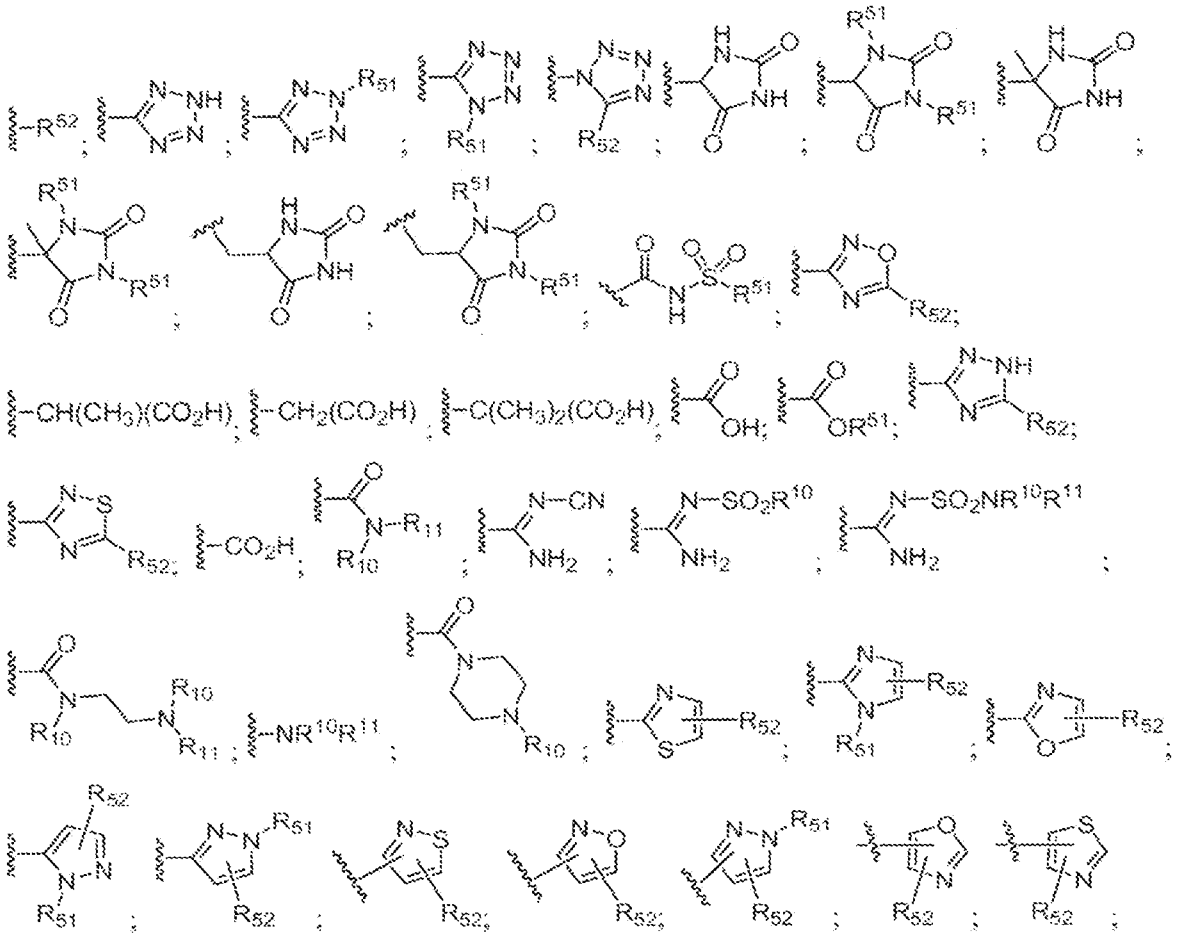
9. (original) The compound according to claim 7, wherein R^3 is

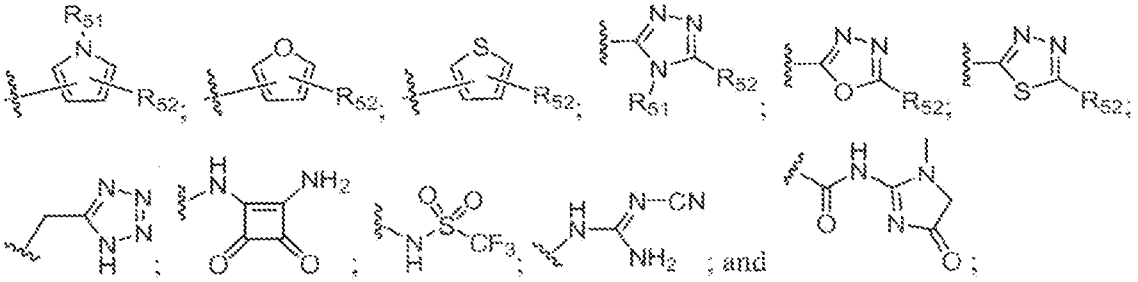


10. (currently amended) The compound according to claim 9, wherein R^3 is selected from the group consisting of:



8. (previously presented) The compound according to claim 7, wherein R^9 is selected from the group consisting of:

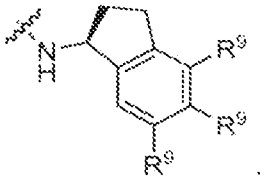




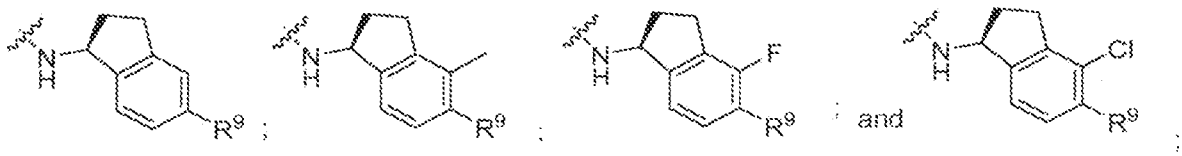
wherein:

R^{52} is selected from the group consisting of hydrogen, halo, CN, hydroxy, alkoxy, fluoroalkoxy, alkyl, aryl, ~~5- to 6-~~membered heteroaryl, arylalkyl, cycloalkylalkyl, ~~5- to 6-~~membered heteroarylalkyl, haloalkyl, $C(O)NR^{10}R^{11}$ and $SO_2NR^{10}R^{11}$, wherein alkoxy, fluoroalkoxy, alkyl, aryl, ~~5- to 6-~~membered heteroaryl, arylalkyl, cycloalkylalkyl, ~~5- to 6-~~membered heteroarylalkyl, and haloalkyl are optionally substituted one or more times.

9. (original) The compound according to claim 7, wherein R^3 is



10. (previously presented) The compound according to claim 9, wherein R^3 is selected from the group consisting of:



wherein:

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PATENT OFFICE OF J. JOHN SHIMAZAKI, PLLC
P.O. BOX 650741
STERLING, VA 20165

MAILED

JUN 01 2011

OFFICE OF PETITIONS

In re Application of :
Enis et al. :
Application No. 12/001,092 : ON PETITION
Filing: December 10, 2007 :
Attorney Docket No. None :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 11, 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 April 7, 2011, as required by the Notice of Allowance and Fee(s) Due mailed January 7, 2011. Accordingly, the application became abandoned on April 8, 2011.

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

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

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

A. Kelley-Collier

Alicia Kelley-Collier
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 08/23/11

TO SPE OF : ART UNIT 2121

SUBJECT : Request for Certificate of Correction for Appl. No.: 12001092 Patent No.: 7974742

CofC mailroom date: 08/18/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: _____

_____

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

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

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

Comments: _____

/ ALBERT DECADY / SPE AU 2121

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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R WAYNE PRITCHARD
300 EAST MAIN, STREET 1240
EL PASO TX 79901

MAILED

AUG 18 2011

OFFICE OF PETITIONS

In re Application of :
KRAFSUR :
Application No. 12/011,095 : ON PETITION
Filed: January 24, 2008 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 15, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 12, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 13, 2011. A Notice of Abandonment was mailed June 8, 2011.

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

With respect to item (1): A review of the record shows that the petition in the above-identified application was accompanied by a payment of $750 for the petition fee. As of October 2, 2008, a new fee schedule was posted and new fees should have been applied to any petition fee filed after the date listed above. The instant petition lacks a complete petition fee payment and an additional $60 is due to complete the required petition fee as set forth in 37 CFR 1.17(m). No consideration on the merits can be given until the required fee deficiency is remitted.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHARLES J. PRESCOTT, P.A.
SUITE 115
2033 WOOD STREET
SARASOTA FL 34237

MAILED

NOV 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Yin-Xiong Li	:	
Application No. 12/001,142	:	DECISION ON PETITION
Filed: December 10, 2007	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. P-2074	:	

This is a decision on the petition filed August 6, 2010, which is being treated under 37 CFR 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of 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 10, 2007, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/873,836, which was filed on December 12, 2006, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an Application Data Sheet (ADS).

However, the ADS is not acceptable because it is not signed as required by 37 CFR 1.33 and 10.18. Note 37 CFR 1.4(d) for the form of the signature.

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 the above is required.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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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CHARLES J. PRESCOTT, P.A.
SUITE 115
2033 WOOD STREET
SARASOTA FL 34237

MAILED
NOV 22 2010
OFFICE OF PETITIONS

In re Application of :
Yin-Xiong Li :
Application No. 12/001,142 : DECISION ON PETITION
Filed: December 10, 2007 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. P-2074 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed November 10, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed supplemental Application Data Sheet (ADS).

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 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 application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. 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 1632 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.

/KOC/
Karen Creasy
Petition Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/001,142	12/10/2007	1632	620	P-2074	4	4

CONFIRMATION NO. 2013

CORRECTED FILING RECEIPT

30650
CHARLES J. PRESCOTT, P.A.
SUITE 115
2033 WOOD STREET
SARASOTA, FL 34237

OC000000044524493

Date Mailed: 11/16/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Yin-Xiong Li, Durham, NC;

Power of Attorney: The patent practitioners associated with Customer Number 30650

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/873,836 12/08/2006
and claims benefit of 60/901,945 02/14/2007
and claims benefit of 60/923,927 04/17/2007

Foreign Applications

If Required, Foreign Filing License Granted: 01/09/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/001,142**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Title

Formation and rejuvenation of organs and alcohol damaged organ regeneration through stem cell nutrients

Preliminary Class

800

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

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CHARLES J. PRESCOTT, P.A.
SUITE 115
2033 WOOD STREET
SARASOTA FL 34237

MAILED

AUG 02 2011

OFFICE OF PETITIONS

In re Application of :
Yin-Xiong Li :
Application No. 12/001,142 : DECISION ON PETITION
Filed: December 10, 2007 :
Attorney Docket No. P-2074 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the non-final Office action mailed, April 14, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 15, 2010. A Notice of Abandonment was mailed December 6, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 1632 for appropriate action by the Examiner in the normal course of business on the reply received.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WALT FROLOFF
273D SEARIDGE RD
APTOS CA 95003

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of :
Le :
Application No. 12/001,151 : DECISION
Filed/Deposited: 10 December, 2007 :
Attorney Docket No. XYZENCDR :

This is a decision on the papers filed on 26 January, 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 **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 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. §1.181."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due mailed on 2 September, 2010, with reply due under a non-extendable deadline on or before 2 December, 2010.

The application went abandoned by operation of law after midnight 2 December, 2010.

On 3 December, 2010, Petitioner filed the Issue Fee, but did so without a certificate of mail.

The Office mailed the Notice of Abandonment of 22 December, 2010.

On 26 January, 2011, Petitioner filed a request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, and averred timely reply. However, as the history described above and the record demonstrate, Petitioner did not file the Issue Fee timely, failed to take advantage of the provisions of 37 C.F.R. §1.8 or §1.10, and so allowed the application to go abandoned.

Thus, Petitioner was unable to and so failed to make the showing required under the Rule. Petitioner's only alternative now appears to properly and timely file a petition (Form PTO/SB/64, copy enclosed), with fee, pursuant to 37 C.F.R. §1.137(b) to revive the application as having been abandoned due to unintentional delay, 37 C.F.R. §1.181, with the reply and statement of unintentional delay (set forth in the form). Petitioner is reminded that the failure to file promptly and properly the petition pursuant to 37 C.F.R. §1.137(b) may be considered *indicia* of delay that is other than unintentional.

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely fling:

> ***
>
> 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]

***

A Petitioner unable to comply with and/or otherwise satisfy these requirements may wish to revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

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

[1] *See*: MPEP §711.03(c) (I)(B).

complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[3,4]

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

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[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[3] 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.))

> 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 it is to be made and supported.

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

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[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).

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 regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[6]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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[6] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WALT FROLOFF
273D SEARIDGE RD
APTOS CA 95003

MAILED
MAY 26 2011
OFFICE OF PETITIONS

In re Application of :
Le :
Application No. 12/001,151 : DECISION
Filed/Deposited: 10 December, 2007 :
Attorney Docket No. XYZENCDR :

This is a decision on the papers filed on 3 May, 2011, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

NOTE:

Petitioner avers attachment/enclosure of a separate application, which application Petitioner instructs the Office to review and then send along (apparently to the Office of Patent Application Processing) for filing as a new application—a child of the instant application. No such application papers are apparent in the image file wrapper (IFW).

Petitioner, as one registered to practice before the Office is aware that every application is a separate application. (*See*: 37 C.F.R. §1.4,[1] and, *inter alia*, MPEP §502.) Thus, papers

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[1] The regulations at 37 C.F.R. §1.4provide:

§ 1.4 Nature of correspondence and signature requirements.

(a)Correspondence with the Patent and Trademark Office comprises:

(1)Correspondence relating to services and facilities of the Office, such as general inquiries, requests for publications supplied by the Office, orders for printed copies of patents, orders for copies of records, transmission of assignments for recording, and the like, and

(2)Correspondence in and relating to a particular application or other proceeding in the Office. See particularly the rules relating to the filing, processing, or other proceedings of national applications in subpart B, §§ 1.31 to 1.378; of international applications in subpart C, §§ 1.401 to 1.499; of *ex parte* reexaminations of patents in subpart D, §§ 1.501 to 1.570; of extension of patent term in subpart F, §§ 1.710 to 1.785; of inter partes reexaminations of patents in subpart H, §§ 1.902 to 1.997; and of the Board of Patent Appeals and Interferences in part 41 of this title.

(b)Since each file must be complete in itself, a separate copy of every paper to be filed in a patent, patent file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical. The filing of duplicate copies of correspondence in the file of an application, patent, or other proceeding should be avoided, except in situations in which the Office requires the filing of duplicate copies. The Office may dispose of duplicate copies of correspondence in the file of an application, patent, or other proceeding.

(c)Since different matters may be considered by different branches or sections of the United States Patent and Trademark Office, each distinct subject, inquiry or order must be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects.

(d)(1)*Handwritten signature*. Each piece of correspondence, except as provided in paragraphs (d)(2), (d)(3), (e) and (f) of this section, filed in an application, patent file, or other proceeding in the Office which requires a person's signature, must:

(i)Be an original, that is, have an original handwritten signature personally signed, in permanent dark ink or its equivalent, by that person; or

should not be included with applications in/for which they are not intended to be associated.

Further, Petitioner's responsibility to deposit properly application papers or other such papers Petitioner seeks to file on behalf of Petitioner's client is not a responsibility that is transferable to the Office.

(ii)Be a direct or indirect copy, such as a photocopy or facsimile transmission (§ 1.6(d)), of an original. In the event that a copy of the original is filed, the original should be retained as evidence of authenticity. If a question of authenticity arises, the Office may require submission of the original.

(2)*S-signature*. An S-signature is a signature inserted between forward slash marks, but not a handwritten signature as defined by § 1.4(d)(1). An S-signature includes any signature made by electronic or mechanical means, and any other mode of making or applying a signature not covered by a handwritten signature of § 1.4(d)(1). Correspondence being filed in the Office in paper, by facsimile transmission as provided in § 1.6(d), or via the Office electronic filing system as an attachment as provided in § 1.6(a)(4), for a patent application, patent, or a reexamination proceeding may be S-signature signed instead of being personally signed (*i.e.*, with a handwritten signature) as provided for in paragraph (d)(1) of this section. The requirements for an S-signature under this paragraph (d)(2) of this section 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./); and

(ii)A patent practitioner (§ 1.32(a)(1)), signing pursuant to §§ 1.33(b)(1) or 1.33(b)(2), must supply his/her registration number either as part of the S-signature, or immediately below or adjacent to the S-signature. The number (#) character may be used only as part of the S-signature when appearing before a practitioner's registration number; otherwise the number character may not be used in an S-signature.

(iii)The signer's name must be:

(A)Presented in printed or typed form preferably immediately below or adjacent the S-signature, and

(B)Reasonably specific enough so that the identity of the signer can be readily recognized.

(3)*Forms*. The Office provides forms to the public to use in certain situations to assist in the filing of correspondence for a certain purpose and to meet certain requirements for patent applications and pro

ceedings. Use of the forms for purposes for which they were not designed is prohibited. No changes to certification statements on the Office forms (*e.g.*, oath or declaration forms, terminal disclaimer forms, petition forms, and nonpublication request forms) may be made. The existing text of a form, other than a certification statement, may be modified, deleted, or added to, if all text identifying the form as an Office form is removed. The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any Office form with text identifying the form as an Office form by a party, whether a practitioner or non-practitioner, constitutes a certification under § 11.18(b) of this chapter that the existing text and any certification statements on the form have not been altered other than permitted by EFS-Web customization.

(4)*Certifications*. (i) *Section 11.18 certifications*: The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under § 11.18(b) of this subchapter. Violations of § 11.18(b)(2) of this subchapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under § 11.18(c) of this subchapter. Any practitioner violating § 11.18(b) of this subchapter may also be subject to disciplinary action. *See* §§ 11.18(d) and 11.804(b)(9) of this subchapter.

(ii)*Certifications as to the signature*:

(A)*Of another*: A person submitting a document signed by another under paragraph (d)(2) of this section is obligated to have a reasonable basis to believe that the person whose signature is present on the document was actually inserted by that person, and should retain evidence of authenticity of the signature.

(B)*Self certification*: The person inserting a signature under paragraph (d)(2) of this section in a document submitted to the Office certifies that the inserted signature appearing in the document is his or her own signature.

(C)*Sanctions*: Violations of the certifications as to the signature of another or a person's own signature, set forth in paragraphs (d)(4)(ii)(A) and (B) of this section, may result in the imposition of sanctions under § 11.18(c) and (d) of this chapter.

(e)Correspondence requiring a person's signature and relating to registration practice before the Patent and Trademark Office in patent cases, enrollment and disciplinary investigations, or disciplinary proceedings must be submitted with an original hand written signature personally signed in permanent dark ink or its equivalent by that person.

(f)When a document that is required by statute to be certified must be filed, a copy, including a photocopy or facsimile transmission, of the certification is not acceptable.

(g)An applicant who has not made of record a registered attorney or agent may be required to state whether assistance was received in the preparation or prosecution of the patent application, for which any compensation or consideration was given or charged, and if so, to disclose the name or names of the person or persons providing such assistance. Assistance includes the preparation for the applicant of the specification and amendments or other papers to be filed in the Patent and Trademark Office, as well as other assistance in such matters, but does not include merely making drawings by draftsmen or stenographic services in typing papers.

(h)*Ratification/confirmation/evidence of authenticity*: The Office may require ratification, confirmation (which includes submission of a duplicate document but with a proper signature), or evidence of authenticity of a signature, such as when the Office has reasonable doubt as to the authenticity (veracity) of the signature, *e.g.*, where there are variations of a signature, or where the signature and the typed or printed name, do not clearly identify the person signing.

In addition, when the Office inquired of Petitioner about Petitioner's averments, Petitioner commenced to recite statement that he attributed to Office personnel.

Petitioner, as one registered to practice before the Office, is aware that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP).

Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s) or inaction(s).

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due mailed on 2 September, 2010, with reply due under a non-extendable deadline on or before 2 December, 2010.

The application went abandoned by operation of law after midnight 2 December, 2010.

On 3 December, 2010, Petitioner filed the Issue Fee, but did so without a certificate of mail.

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[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 attdance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The Office mailed the Notice of Abandonment on 22 December, 2010.

On 26 January, 2011, Petitioner filed a request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, and averred timely reply. However, as the history described above and the record demonstrate, Petitioner did not file the Issue Fee timely, failed to take advantage of the provisions of 37 C.F.R. §1.8 or §1.10, and so allowed the application to go abandoned. Thus, Petitioner was unable to and so failed to make the showing required under the Rule. The Petition was dismissed on 14 March, 2011.

On 3 May, 2011, Petitioner filed, *inter alia*, a petition with fee pursuant to 37 C.F.R. §1.137(b), with a reply in the form of fees previously paid—albeit late because Petitioner failed to sign and date the certificate of mail on the Issue Fee Transmittal form—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.[3]

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).[4] 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.[5]))

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[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. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[4] 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.

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 Publications Branch to be processed into a patent in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the Publications Branch in response to this decision. It is noted that all inquiries with regard to status need be directed to the Publications Branch where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[6]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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[5] 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.

[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 attdance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Choate, Hall & Stewart, LLP
Two International Place
Boston, MA 02110

MAILED

SEP 03 2010

OFFICE OF PETITIONS

In re Application of :
Brian C. Austad et al. :
Application No. 12/001,239 : DECISION ON PETITION
Filed: December 11, 2007 : TO WITHDRAW
Attorney Docket No. 2008074-0021 : 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 **moot because a revocation of power of attorney has been previously filed.**

A review of the file record indicates that the power of attorney to John D. Lanza and all attorneys/agents associated with customer number 21125 has been revoked by the assignee of the patent application on August 19, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Nutter, McClennen & Fish, LLP
Seaport West
155 Seaport Boulevard
Boston, MA 02210-2604

UNITED STATES PATENT AND TRADEMARK 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.
12/001,239	12/11/2007	Brian C. Austad	110313-2 (1004US1)	2867

7590 04/14/2011

Infinity Pharmaceuticals/Nutter, McClennen & Fish LLP
Seaport West 155 Seaport Blvd
Boston, MA 02210

EXAMINER	
POLANSKY, GREGG	

ART UNIT	PAPER NUMBER
1614	

NOTIFICATION DATE	DELIVERY MODE
04/14/2011	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

April 12, 2011

Infinity Pharmaceuticals/Nutter, McClennen & Fish
LLP
Seaport West 155 Seaport Blvd
Boston MA 02210

Re Application of
AUSTAD, BRIAN C. , Et. Al
Application No: **12/001239**
Filed: **12/11/2007**
Attorney Docket No: **110313-2 (1004US1)**

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**
:

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 16,2008.

The petition is **GRANTED**.
A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.go

Paul F. Wille
6407 East Clinton St.
Scottsdale AZ 85254

MAILED

MAR 23 2012

OFFICE OF PETITIONS

In re Application of	:	
Fan Wu	:	
Application No. 12/001247	:	DECISION ON
Filing or 371(c) Date: 12/11/2007	:	PETITION
Title of Invention:	:	
ATTENUATING TIP FOR HEARING AID	:	

This is a decision in response to the petition for revival of an application for patent abandoned unavoidably under 37 CFR 1.137(a), filed February 12, 2012.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed June 15, 2011. The Office action set a three (3) period for reply, and provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned on September 16, 2011. A Notice of Abandonment was mailed December 22, 2011.

The present petition

Applicant files the present Petition and provides that applicant's attorney runs a solo practice, and in January 2011 was diagnosed with inoperable pancreatic cancer. Applicant provides that Applicant's attorney was in the hospital from September 9 to November 3 and in rehabilitation from November 3 until December 28. Applicant provides further that as delivered to the rehabilitation facility, applicant's attorney had minimal strength and limited range of motion; i.e. could not sit, stand, walk, or provide basic care for himself. Applicant prevides that it was physically impossible to provide a timely reply to the Office action dated June 15, 2011, because of chemotherapy, radiation therapy and surgery.

A Grantable Petition Under 37 CFR 1.137(a)

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application; an amendment, or a request for reconsideration; (**2**) the petition fee as set forth in 37 CFR 1.17(l); (**3**) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (**4**) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

Applicant lacks item (**3**) as set forth above.

Applicable Law, Rules and MPEP

As to item (**3**), Applicant must provide a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable. In order to determine whether the delay was unavoidable, the courts have adopted a "reasonably prudent person" standard. The courts have provided that:

> [t]he word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

"The critical phrase 'unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable' has remained unchanged since first enacted in 1861." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (D.C. Cir. 1982). The standard for "unavoidable" delay for reinstating a patent is the same as the unavoidable standard for reviving an application. See Ray v. Lehman, 55 F.3d 606, 608-609, 34 U.S.P.Q.2d (BNA) 1786, 1787 (Fed. Cir. 1995) (citing In re patent No. 4,409,763, 7 U.S.P.Q.2d (BNA) 1798, 1800 (Comm'r Pat. 1990; Smith

v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (D.C. Cir. 1982). The court in In re Mattullath, accepted the standard which had been proposed by Commissioner Hall which "requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business." In re Mattullath, 38 App. D.C. 497, 514-515 (1912) (quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)). However, "The question of whether an applicant's delay in prosecuting an application was unavoidable [will] be decided on a case-by-case basis, taking all of the facts and circumstances into account."[1] Nonawareness of the content of, or a misunderstanding of, PTO statutes, PTO rules, the MPEP, or Official Gazette notices, does not constitute unavoidable delay.[2]

The statute requires a "showing" by petitioner. Therefore, petitioner has the burden of proof. The decision will be based solely on the written, administrative record in existence. It is not enough that the delay was unavoidable; petitioner must prove that the delay was unavoidable. A petition will not be granted if petitioner provides insufficient evidence to "show" that the delay was unavoidable.

Applicant is further advised that the Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and applicant is bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962); Huston v. Ladner, 973 F.2d 1564, 1567, 23 USPQ2d 1910, 1913 (Fed. Cir. 1992); see also Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (D.N. Ind. 1987). Specifically, petitioner's delay caused by the actions or inactions of his voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 USC 133 or 37 CFR 1.137(a). Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (D. Ind. 1987); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (Comm'r Pat. 1891). In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

Analysis

As to item (3), Applicant is advised that he must demonstrate that he was ill during the relevant time period, and that he was ill to the extent that he was unable to conduct business during that period. Applicant must support his assertions with documentary evidence such as medical records. A showing of "unavoidable" delay based upon incapacitation must establish that Applicant's incapacitation was of such nature and degree as to render petitioner unable to conduct business (*e.g.*, correspond with the Office) during the period between September 15, 2011, and the filing of a grantable petition. Such a showing must be supported by a statement

[1] Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (1982).

[2] See Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (Fed. Cir. 1982) (citing Potter v. Dann, 201 U.S.P.Q. (BNA) 574 (D. D.C. 1978) for the proposition that counsel's nonawareness of PTO rules does not constitute "unavoidable" delay)); Vincent v. Mossinghoff, 1985 U.S. Dist. LEXIS 23119, 13, 230 U.S.P.Q. (BNA) 621 (D. D.C. 1985) (Plaintiffs, through their counsel's actions, **or their own**, must be held responsible for having noted the MPEP section and Official Gazette notices expressly stating that the certified mailing procedures outlined in 37 CFR 1.8(a) do not apply to continuation applications.) (Emphasis added).

from Applicant's treating physician(s), and such statement(s) must provide the nature and degree of Applicant's incapacitation during this above-mentioned period.

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of Petitioner provides that under medical advice, the inventor did not resume full workload until personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Conclusion

The petition is dismissed without prejudice. Applicant should file a request for reconsideration of petition and include the required showing and supporting documentary evidence for the relevant time period.

Alternate venue

Applicant may file a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232. All other inquiries should be directed to the applicable Office.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED
DEC 16 2010
OFFICE OF PETITIONS

In re
Dolecek, et al.
Application No. 12/001,257
Filed: December 10, 2007
Attorney Docket No. 37272-511C02US

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed October 1, 2010.

The fee deficiency submission under 37 CFR 1.28 of $1532 for the extra claims fee and a one month extension of time is accepted.

The change of status to large entity has been entered.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK 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.
12/001,258	12/11/2007	Alexander B. Sigalov	UMASSW-16049	2863

23535 7590 04/04/2012

MEDLEN & CARROLL, LLP
703 Market Street
SUITE 340
SAN FRANCISCO, CA 94103

EXAMINER	
TELLER, ROY R	

ART UNIT	PAPER NUMBER
1654	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

April 4, 2012

MEDLEN & CARROLL, LLP
703 Market Street
SUITE 340
SAN FRANCISCO CA 94103

In re Application of	:	
SIGALOV, ALEXANDER B.	:	**DECISION ON PETITION**
Application No. 12/001,258	:	
Filed: 12/11/2007.	:	***ACCEPTANCE OF COLOR***
Attorney Docket No.UMASSW-16049	:	***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) June 24, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the requirements above. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12001271
Filing Date	11-Dec-2007
First Named Inventor	Edward Suber
Art Unit	3742
Examiner Name	JOSEPH PELHAM
Attorney Docket Number	1769
Title	Apparatus and method for cordless electric curling iron with adjustable diameter barrel

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 33055

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(iv)

10.40(b)(c)(1)(vi)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Edward Subar
Address	404 Portage Lakes Drive
City	Akron
State	OH
Postal Code	44319

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/John D. Gugliotta/
Name	John Gugliotta
Registration Number	36538

UNITED STATES 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 1,2011

In re Application of :

Edward Suber

Application No : 12001271

Filed : 11-Dec-2007

Attorney Docket No : 1769

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 1,2011

The request is **APPROVED.**

The request was signed by John Gugliotta (registration no. 36538) on behalf of all attorneys/agents associated with Customer Number 33055 . All attorneys/agents associated with Cusotmer Number 33055 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	Edward
Name2	Subar
Address 1	404 Portage Lakes Drive
Address 2	
City	Akron
State	OH
Postal Code	44319
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

9-8-2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No. : 7,781,418 B2
Ser. No. : 12/001,318
Inventor(s) : Ebentino, et. al.
Issued : August 24, 2010

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1583 or 1580

Todd Deeau
600 Galleria Parkway, Suite
Atlanta, GA 30339

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

MAILED

DEC 09 2010

OFFICE OF PETITIONS

In re Patent No. 7,781,418 :
Issue Date: 08/24/2010 :
Application Number: 12/001,318 : ON PETITION
Filing or 371(c) Date: 12/11/2007 :
Attorney Docket Number: 820908-1180 :

This is a decision on the "REQUEST TO CORRECT THE ASSIGNEE UNDER 37 CFR 3.81(b)," filed on October 18, 2010, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee data on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Receipt of the required processing and certificate of correction fees is acknowledged.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3231. 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.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : October 26, 2010

TO SPE OF : ART UNIT 2824
SUBJECT : Request for Certificate of Correction for Appl. No/12/001335-7796451

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Magdalene Talley

Certificates of Correction Branch

571-272-0423

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

X	**Approved**	**All** changes apply.
☐	**Approved in Part**	Specify below which changes **do not** apply.
☐	**Denied**	State the reasons for denial below.

Comments: OK. TL 11/16/2010

/Richard Elms/ SPE AU 2824 11.16.10

SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : October 26, 2010

TO SPE OF : ART UNIT 2824
SUBJECT : Request for Certificate of Correction for Appl. No/12/001335-7796451

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Magdalene Talley

Certificates of Correction Branch

571-272-0423

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

X	**Approved**	**All** changes apply.
☐	**Approved in Part**	Specify below which changes **do not** apply.
☐	**Denied**	State the reasons for denial below.

Comments: OK. TL 11/16/2010

Deleted: _

/Richard Elms/ SPE AU 2824 11.16.10

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/001,369	12/10/2007	Ramakrishna C. Dhanekula	SUN07-0504	3311

57960 7590 06/02/2011

PVF -- ORACLE AMERICA, INC.
C/O PARK, VAUGHAN, FLEMING & DOWLER LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

EXAMINER	
KENNEDY, ADRIAN L	
ART UNIT	PAPER NUMBER
2129	
MAIL DATE	DELIVERY MODE
06/02/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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June 2, 2011

PVF -- ORACLE AMERICA, INC.
C/O PARK, VAUGHAN, FLEMING & DOWLER LLP
2820 FIFTH STREET
DAVIS CA 95618-7759

In re Application of :
Ramakrishna C. Dhanekula et al. : **DECISION ON PETITION**
Application No. 12001369 :
Filed: 12/10/2007 :
Attorney Docket No. SUN07-0504 :

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 10, 2007.

The petition is **DISMISSED.**

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFS filings), and
3. The specification containing the following language as the **first paragraph in** that portion of the specification relating to **the brief description of the drawings**.

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2 ☑ 3 ☐

The paragraph was present, but was placed at the beginning of the specification. It must be at the beginning of the Brief Description: page 5 before paragraph [0019] in this application.

A renewed petition filed under 37 C.F.R. 1.84(a)(2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

August 8, 2011

PVF -- ORACLE AMERICA, INC.
C/O PARK, VAUGHAN, FLEMING & DOWLER LLP
2820 FIFTH STREET
DAVIS CA 95618-7759

In re Application of	:	
Ramakrishna C. Dhanekula et al.	:	**DECISION ON PETITION**
Application No. 12001369	:	
Filed: 12/10/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. SUN07-0504	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 21, 2011.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/001,415	12/11/2007	Mitsuru Okano	07842/LH	3255

1933 7590 02/15/2011

HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER	
ART UNIT	PAPER NUMBER
2193	

MAIL DATE	DELIVERY MODE
02/15/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of: OKANO et al.
Application No. 12/001,415
Attorney Docket #: 07842/LH
Filed: December 11, 2007
For: GRAPHING CALCULATION APPARATUS AND CONTROLLING METHOD OF GRAPHING CALCULATION APPARATUS

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 Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 6, 2010 to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the JPO, or

(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above

c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The petition is **GRANTED.**

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

_____

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

NOV 19 2010

OFFICE OF PETITIONS

MICHAEL H PANOSIAN
2425 CANADA BLVD. (#102)
GLENDALE CA 91208

In re Application of :
Panosian, et al. :
Application No. 12/001,416 : ON PETITION
Filed: December 10, 2007 :
Title: Tool Belt Pocket Kick-Stand :

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 **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The petition is not signed by all of the inventors. Pursuant to 37 CFR 1.33(b), papers filed in an application must be signed by a registered attorney or agent, an assignee, or all of the applicants (inventors) for patent.

Before the petition can be considered on the merits, Petitioner must resubmit a copy of the petition, bearing a signature from all inventors (or a registered attorney, agent, or assignee).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICHAEL H PANOSIAN
2425 CANADA BLVD. (#102)
GLENDALE CA 91208

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of :
Panosian, et al. :
Application No. 12/001,416 : ON PETITION
Filed: December 10, 2007 :
Title: Tool Belt Pocket Kick-Stand :

This is a decision on the renewed petition to revive under 37 CFR 1.137(b), filed January 18, 2011.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply to the non-final Office action, mailed March 19, 2009. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on June 20, 2009. The Office mailed a Notice of Abandonment on November 13, 2009. Applicant filed a petition to revive under 37 CFR 1.137(b) on September 10, 2010. However, the petition was dismissed in a decision mailed on November 19, 2010. The petition was dismissed without being considered on the merits because the petition was not signed by all of the applicants.

With the instant petition, applicants paid the petition fee and made the proper statement of unintentional delay. Applicant previously filed the required reply on September 10, 2010.

The application is being forwarded to Group Art Unit 3728 for consideration of the Amendment filed September 10, 2010.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

MAILED

MAY 03 2011

OFFICE OF PETITIONS

In re Application of :
Pierre-Etienne C. Delassauniere et al. :
Application No. 12/001,439 : DECISION ON PETITION
Filed: December 11, 2007 :
Attorney Docket No. **58767.000046** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 17, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 16, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 16, 2010. Accordingly, the date of abandonment of this application is March 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 payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Data Management for processing into a patent.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/001,445	12/11/2007	Tetsushi Ishikawa	07801/LH	3043

1933 7590 01/31/2011

HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER
BARROW, AMANDA J

ART UNIT	PAPER NUMBER
1729	

MAIL DATE	DELIVERY MODE
01/31/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

January 31, 2011 BC

In re application of	:	DECISION ON REQUEST TO
Tetsushi Ishikawa	:	PARTICIPATE IN PATENT
Serial No. 12/001,445	:	PROSECUTION HIGHWAY
Filed: December 11, 2007	:	PROGRAM AND
For: ELECTRONIC DEVICE	:	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) to make the above-identified application special filed January 19, 2011.

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, 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 independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable 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 (i) or (ii) 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; and

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(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).

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.

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 Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

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.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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LEE & HAYES, PLLC
601 W RIVERSIDE
SUITE 1400
SPOKANE, WA 99201

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MAR 17 2011

OFFICE OF PETITIONS

In re Application of :
HYDE, et al :
Application No. 12/001,460 : DECISION ON PETITION
Filed: December 11, 2007 : TO WITHDRAW
Attorney Docket No. QQ1-0171US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 25, 2011.

The request is **NOT APPROVED.**

The request to withdraw from record cannot be approved because the request to change the correspondence address is not accompanied by a power of attorney nor is the correspondence address that of an assignee of the entire interest who has been properly made of record under 37 CFR 3.71 or the first named inventor.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: MARGARET ANDERSON
106 E. 6TH STREET, SUITE 900
AUSTIN TX 78701

UNITED STATES PATENT AND TRADEMARK OFFICE

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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

In re Application No. 12/001,463	:	
Shi et al.	:	DECISION ON
Filed: December 11, 2007	:	REQUEST FOR
Attorney Docket No. 088245-7022	:	RECONSIDERATION OF
Title: FRAME SYNCHRONIZATION USING CORRELATION BETWEEN PERMUTED SEQUENCES	:	PATENT TERM ADJUSTMENT

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT APPLICATION UNDER 37 C.F.R. §1.705(b)," filed on January 20, 2012. Applicants submit that the correct patent term adjustment to be indicated on the patent is one thousand and seventy-one (1071) days, not five hundred and sixty-four (564) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

To the extent that the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under

§ 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, 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). No additional fees are required.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months

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[1] For example, if 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.

after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions

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150 EAST GILMAN STREET
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MADISON WI 53701-1497

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OFFICE OF PETITIONS

In re Application of	:	
Bar-Ness et al.	:	
Application No. 12/001469	:	ON REQUEST FOR
Filing or 371(c) Date: 12/11/2007	:	RECONSIDERATION OF
Atty Docket No.:	:	PATENT TERM ADJUSTMENT
088245-7023	:	

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b), filed January 5, 2012. Applicant submits that the proper patent term adjustment to be indicated on the patent is 1066 days, not five hundred sixrty-six (566) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent. The application for patent term adjustment is properly treated under 37 C.F.R. § 1.705(b).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and ***must*** include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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MADISON WI 53701-1497

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JUL 28 2011

OFFICE OF PETITIONS

In re Application of :
BAR-NESS et al. :
Application No. 12/001,470 : ON APPLICATION FOR
Filed: 12/11/2007 : PATENT TERM ADJUSTMENT
Attorney Docket No. 088245-7021 :

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 July 11, 2011. Applicants submit that the correct patent term adjustment to be indicated on the patent is 838 days, not 520 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).

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[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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FOLEY & LARDNER LLP
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MADISON WI 53701-1497

In re Application of :
Bar-Ness et al. :
Application No. 12/001,480 :
Filed: December 11, 2007 :
Attorney Dkt. No. 088245-7020 :
For: METHOD AND SYSTEM FOR :
STABLE THROUGHPUT OF COGNITIVE :
RADIO :

ON APPLICATION FOR
PATENT TERM ADJUSTMENT

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b)" filed February 2, 2012. Applicants request that the determination of patent term adjustment be corrected from six hundred ninety-three (693) days to one thousand one hundred ninety-six (1,196) days. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

The $200.00 petition fee set forth in 37 CFR 1.18(e) has been assessed. No additional fees are required. The fee set forth in 37 CFR 1.18(e) is required and will not be refunded.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the

computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months

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[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TED MASTERS
TED MASTERS & ASSOCIATES, INC.
5121 SPICEWOOD DRIVE
CHARLOTTE, NC 28227-0313

MAILED
MAY 05 2011
OFFICE OF PETITIONS

In re Application of :
Shelly Avneri Katzir, et. al. :
Application No. 12/001,537 : DECISION ON PETITION
Filed: December 11, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. N/A :

This is a decision on the petition filed March 30, 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 April 1, 2009. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing which sets forth the projected publication date of July 28, 2011, accompanies this decision on petition.

This application is being referred to Technology Center Art Unit 3677 for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/001,537	12/11/2007	Shelly Avneri Katzir	

CONFIRMATION NO. 3803

40742
TED MASTERS
TED MASTERS & ASSOCIATES, INC.
5121 SPICEWOOD DRIVE
CHARLOTTE, NC 28227-0313

NONPUBLICATION RESCISSION LETTER

Date Mailed: 04/20/2011

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 07/28/2011.

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".

/amsmith/

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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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

MAILED

NOV 16 2010

OFFICE OF PETITIONS

In re Patent No. 7683011 :
Issue Date: 03/23/2010 :
Application Number: 12/001540 : ON PETITION
Filing or 371(c) Date: 12/12/2007 :
Attorney Docket Number: CH3210USNA :

This is a decision on the "REQUEST FOR CERTIFICATE OF CORRECTION," filed on September 1, 2010, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee data on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Receipt of the required processing and certificate of correction fees is acknowledged.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3231. 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.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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CLISE, BILLION & CYR, P.A.
605 U.S. HIGHWAY 169
SUITE 300
PLYMOUTH, MN 55441

MAILED

APR 28 2011

OFFICE OF PETITIONS

In re Application of :
Lilly Canel-Katz, et al. :
Application No. 12/001,545 : DECISION GRANTING PETITION
Filed: December 11, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 057709-133538 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 27, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 13, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2624 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment and information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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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.
12/001,553	12/11/2007	Lawrence Steinman	STAN-540 (S06-463)	4135

7590 12/20/2010

Stanford University Office of Technology Licensing
Bozicevic, Field & Francis LLP
1900 University Avenue
Suite 200
East Palo Alto, CA 94303

EXAMINER	
KOLKER, DANIEL E	
ART UNIT	**PAPER NUMBER**
1649	
MAIL DATE	**DELIVERY MODE**
12/20/2010	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

FORM PTOM327-5 (Rev. 02/08)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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December 20, 2010

Stanford University Office of Technology Licensing
Bozicevic, Field & Francis LLP
1900 University Avenue
Suite 200
East Palo Alto CA 94303

In re Application of	:	
Steinman, Lawrence, et al	:	**DECISION ON PETITION**
Application No. 12/001,553	:	
Filed: 12/11/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. STAN-540 (S06-463)	:	***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 11, 2007.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

MAR 14 2011

OFFICE OF PETITIONS

Francis C. Hand, Esq., c/o Carella, Byrne,
Bain, Gilfillan, Cecchi, Stewart & Olstein
5 Becker Farm Road
Roseland NJ 07068

In re Application of	:	
Eben BAYER et al.	:	DECISION ON PETITION
Application No. 12/001,556	:	TO MAKE SPECIAL UNDER
Filed: December 12, 2007	:	37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 25, 2011, to make the above-identified application special based on applicant's age as set forth in MPEP §708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP §708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes the statement that Francis G. Hand, registered attorney, has viewed evidence that inventor Burt L. Swersey is 65 years of age, or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty at 571-272-8427.

All other inquiries concerning either examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1651 for action on the merits commensurate with this decision.

Ramesh Krishnamurthy

for David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No : 7,965,364 B2
Ser. No. : 12/001,577
Inventor(s) : Yu-Cheng Line, et. al.
Issued : June 21, 2011

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid,* including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:
Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-3422 or 703- 756 -1580

Altis Law Group, Inc.
Attn.: Steven M. Reiss
288 S.Mayo Ave.
City of Industry, CA 91789

ej

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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

MAILED
SEP 26 2011
OFFICE OF PETITIONS

In re Application of :
Kobayashi, et al. :
Application No. 12/001,580 : ON PETITION
Filed: December 12, 2007 :
Attorney Docket No. 8373.354USD1 :
For: VEHICLE BODY FRAME STRUCTURE

This is a decision on the petition captioned "PETITION FOR REVIVAL DUE TO UNINTENTIONAL ABANDONMENT (37 CFR 1.137(B))," filed September 16, 2011. Petitioners allege non-receipt of the January 12, 2011 Notice to File Corrected Application Papers. Therefore, the petition will be treated as a constructive petition under 37 CFR 1.181 to withdraw the holding of abandonment, as well.

The constructive petition under 37 CFR 1.181 is **DISMISSED.**

The petition under 37 CFR 1.137(b) is **GRANTED.**

The Office contends that the above-identified application became abandoned for failure to submit a reply to the Notice to File Corrected Application Papers ("Notice"), mailed January 12, 2011, which set a non-extendable two month period for reply. No reply being received, the Office considered this application abandoned on March 13, 2011. A Notice of Abandonment was mailed on March 31, 2011.

Petitioners allege the January 12, 2011 Notice was not received at the correspondence address of record.

The showing required to establish non-receipt of an Office communication must include:

1. A statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.
2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.[1]

[1] See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

A review of the record indicates no irregularity in the mailing of the January 12, 2011 Notice, and in the absence of any irregularity there is a strong presumption that the communication was properly mailed to the applicants at the correspondence address of record. This presumption may be overcome by a showing that the aforementioned communication was not in fact received.

The showing in the instant petition is not sufficient to withdraw the holding of abandonment because practitioner did not include a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed. Only mail logs were submitted.

The constructive petition under 37 CFR 1.181 is **dismissed**.

Turning to the petition under 37 CFR 1.137(b): Applicants have submitted a proper reply to the January 12, 2011 Notice in the form of corrected drawing Figures 7 and 10, an acceptable statement of the unintentional nature of the delay in responding to the January 12, 2011 Notice, and the $1,620.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is **granted**.

After the mailing of this decision, the file will be returned to the Office of Data Management for consideration of corrected drawing Figures 7 and 10.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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NAVAL MEDICAL RESEARCH CENTER
ATTN: (CODE 00L)
503 ROBERT GRANT AVENUE
SILVER SPRING MD 20910-7500

MAILED
SEP 29 2010
OFFICE OF PETITIONS

In re Application of	:	
Ching et al.	:	
Application No. 12/001,598	:	DECISION ON PETITION
Filed: December 11, 2007	:	
Attorney Docket No. NC 99,058	:	

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 petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with payment of the issue and publication fees, (2) the petition fee of $1620.00, and (3) a proper statement of unintentional delay.

The $1620.00 petition fee was submitted twice – first on August 20, 2010 and second on August 24, 2010. Accordingly, $1620.00 will be credited to petitioner's deposit account as authorized.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

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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NAVAL MEDICAL RESEARCH CENTER
ATTN: (CODE 00L)
503 ROBERT GRANT AVENUE
SILVER SPRING MD 20910-7500

MAILED

SEP 29 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Ching et al. :
Application No. 12/001,599 :
Filed: December 11, 2007 :
Attorney Docket No. NC 99,048 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 20, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with payment of the issue and publication fees, (2) the petition fee of $1620.00, and (3) a proper statement of unintentional delay.

The $1410.00 petition fee for a petition under 37 CFR 1.78 for acceptance of an unintentionally delayed claim for priority was submitted on August 24, 2010. As it is unnecessary, the fee will be credited to petitioner's deposit account as authorized.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110314

DATE : March 14, 2011

TO SPE OF : ART UNIT 1645

SUBJECT : Request for Certificate of Correction on Patent No.: 7875439

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/GARY NICKOL/
Supervisory Patent Examiner.Art Unit 1646

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
Boston MA 02205

MAILED

AUG 17 2011

OFFICE OF PETITIONS

In re Application of

Kaufman, et al. :

Application No. 12/001,606 :

DECISION ON PETITION

Filed: December 11, 2007 :

Attorney Docket No. **62647CIP(45412)**

This is a decision on the petition under 37 CFR 1.137(b), filed August 5, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 6, 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 March 7, 2011. A Notice of Abandonment was mailed July 15, 2011.

The amendment filed August 5, 2011, is noted.

The application is being forwarded to Technology Center 3600, GAU 3662 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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RYAN KROMHOLZ & MANION, S.C.
POST OFFICE BOX 26618
MILWAUKEE, WI 53226

MAILED

JUN 15 2011

OFFICE OF PETITIONS

In re Application of :

John F. LaDisa, Jr. :
Application No. 12/001,645 : DECISION ON PETITION
Filed: December 12, 2007 : TO WITHDRAW FROM
Attorney Docket No. 9919.19668-PROV FOR : RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed May 9, 2011.

The renewed request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

The Office will no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). However, 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,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

Therefore, as there is currently no Statement under 37 CFR 3.73(b)[1] with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

In view of the above, all future communications from the Office will continue to be directed to the above-listed address unless otherwise notified by the applicant.

There is an outstanding Office action mailed March 31, 2011, that requires a reply from 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: Vascular Prolifix, LLC
2433 N. 88th Street
Wauwatosa, WI 53226

[1] See USPTO Form No. PTO/SB/96. Also, recordation of an assignment in the assignment records of the Office does **not**, by itself, permit the assignee to take action in the application, patent, or other patent proceeding.

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12001645
Filing Date	12-Dec-2007
First Named Inventor	John LaDisa
Art Unit	3731
Examiner Name	JULIE SZPIRA
Attorney Docket Number	9919.19668-PROV FOR
Title	Apparatus and method for minimizing flow disturbances in a stented region of a lumen

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 26308

The reason(s) for this request are those described in 37 CFR:

10.40(c)(5)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	John F. LaDisa, Jr.
Address	2433 N. 88th Street
City	Wauwatosa
State	WI
Postal Code	53226
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Garet K. Galster/
Name	Garet K. Galster
Registration Number	59643

UNITED STATES 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 25,2011

In re Application of :

John LaDisa

Application No : 12001645

Filed : 12-Dec-2007

Attorney Docket No : 9919.19668-PROV FOR

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 25,2011

The request is **APPROVED.**

The request was signed by Garet K. Galster (registration no. 59643) on behalf of all attorneys/agents associated with Customer Number 26308 . All attorneys/agents associated with Cusotmer Number 26308 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name	John F. LaDisa, Jr.
Name2	
Address 1	2433 N. 88th Street
Address 2	
City	Wauwatosa
State	WI
Postal Code	53226
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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Alexandria, VA 22313-1450
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ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE, CA 92614-2558

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of :
David Lee Doskocil :
Application No. 12/001,673 : ON PETITION
Filed: December 11, 2007 :
Attorney Docket No.: 21010.4005 :

This is a decision in response to the petition, filed January 25, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is not signed by a registered practitioner of record. However, in accordance with 37 CFR 1.34(a), the signature of Robert W. Dikerson 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 **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)[1] must be accompanied by: (1) the required reply,[2] unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item 1.

[1] As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

[2] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

It is noted that an amendment in response to the final Office action mailed April 14, 2009, was included with the petition filed on January 25, 2011; however, the amendment is considered non-responsive, since it did not place the application in condition for allowance. See the attached Advisory Action. The proposed reply required for consideration of a petition to revive this application must be a Notice of Appeal (and appeal fee required by 37 CFR 1.17(b)), an amendment that *prima facie* places the application in condition for allowance, or the filing of a submission under 37 CFR 114 (RCE) or a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By Internet:	EFS-Web[3]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Advisory Action

[3] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 12/001,673	**Applicant(s)** DOSKOCIL, DAVID LEE	
	Examiner Jonathan D. Snelting	**Art Unit** 3652	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 January 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1 and 4-15*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 3. NOTE: The amendments to the claims require further consideration and/or search.

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ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
2050 MAIN STREET, SUITE 1100
IRVINE, CA 92614

MAILED

AUG 31 2011

OFFICE OF PETITIONS

In re Application of :
David Lee Doskocil :
Application No. 12/001,673 : ON PETITION
Filed: December 11, 2007 :
Attorney Docket No.: 21010.4005 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

A review of the record discloses that this application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action mailed April 14, 2009. A Notice of Abandonment was mailed on November 19, 2009. On January 25, 2011 a petition to revive under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed March 28, 2011. In response, on August 29, 2011, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405, (2) the petition fee of $810, and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 3652 for processing of the RCE filed August 29, 2011 and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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Paper No.

DAVID AND RAYMOND PATENT FIRM
108 N. YNEZ AVE.
SUITE 128
MONTEREY PARK CA 91754

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of :
Charles Chung : DECISION ON PETITION
Application No. 12/001,677 :
Filed: December 11, 2007 :
Atty Docket No. USP2073A-SMI :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed November 17, 2010.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed November 30, 2009. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply considered timely filed and no extension of time considered obtained, the application became abandoned effective March 1, 2010. A courtesy Notice of Abandonment was mailed on July 7, 2010.

The petition includes the required reply in the form of an amendment, the statement of unintentional delay and payment of the petition fee. No terminal disclaimer is required.

Technology Center AU 2831 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed November 17, 2010.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK 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.
12/001,703	12/12/2007	Harry Bussey JR.		3790

7590 03/07/2011

Francis C. Hand, Esq.
c/o Carella, Byrne, Bain, Gilfillan, Cecchi,
Stewart & Olstein
5 Becker Farm Road
Roseland, NJ 07088

EXAMINER	
KRECK, JOHN J	

ART UNIT	PAPER NUMBER
3672	

MAIL DATE	DELIVERY MODE
03/07/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR - 7 2011

Francis C. Hand, Esq.
c/o Carella, Byrne, Bain, Gilfillan, Cecchi,
Stewart & Olstein
5 Becker Farm Road
Roseland, NJ 07088

In re Application of BUSSEY ET AL. ::
Appl. No.: 12/001,703 :: **DECISION DISMISSING**
Filed: December 04, 2008 :: **PETITION**
For: DRAINAGE ELEMENT AND METHOD AND MACHINE FOR MAKING THE SAME :: *37 CFR 1.181(a)*

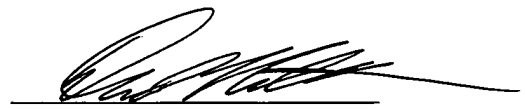
This is a decision on applicant's petition under 37 CFR 1.181(a) filed September 1, 2010 requesting that the amendment under 37 CFR 1.116 filed July 30, 2010 be entered upon appeal.

A review of the file history reveals that a final rejection was mailed on June 22, 2010. Petitioner references a telephone interview held on July 30, 2010, where proposed claim language was agreed upon which would define over the Ring and Bussey references used to reject certain claims under 35 USC 103. An after final amendment was filed on July 30, 2010. Examiner issued an Advisory Action of August 10, 2010 denying entry of the amendment with the reason that the proposed amendment would require further search and consideration to determine patentability. On August 19, 2010 applicant filed a request for entry of the August 12, 2010 amendment for purposes of appeal. A second Advisory Action was mailed on August 25, 2010 denying entry for purposes of appeal. In this Advisory action the Examiner reiterated that although the proposed amendments would overcome the rejection of record, the amendment would add limitations which had not been previously evaluated for patentability, thus requiring further search and consideration.

The petition is **dismissed.**

MPEP 714.13 II states that entry of an amendment after final is not a matter of right. Except where an amendment merely cancels claims, adopts examiner suggestions, removes issues for appeal, or in some other way requires only a cursory review by the examiner, it is not a matter of right to enter the amendment. The added claim limitation agreed upon in the telephone interview is not merely correcting an error. It is requiring a new limitation not previously considered, which constitutes a new issues requiring consideration beyond cursory review. For this reason, the proposed amendment after final will not be entered.

Any questions regarding this decision should be directed to Supervisory Patent Examiner David Bagnell at (571) 272-6999.



David Talbott
Director, Technology Center 3600
(571) 272-5150

DT/db: 2/11/11

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 08/02/11

TO SPE OF : ART UNIT 2886

SUBJECT : Request for Certificate of Correction for Appl. No.: 12001717 Patent No.: 7894075

CofC mailroom date: 07/26/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
[redacted]

Note: _____

_____ *Lamonte Newsome*

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

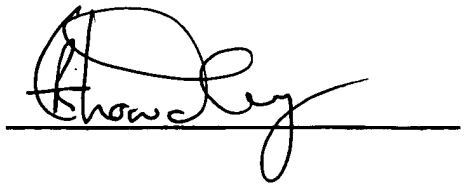
- ☑ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

_____

_____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION



2886

SPE Art Unit

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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

MAILED

JAN 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Rollin et al.	:	DECISION ON PETITION TO
Application Number: 12/001803	:	WITHDRAW HOLDING OF
Filing Date: 12/13/2007	:	ABANDONMENT
Attorney Docket Number:	:	
SS3570USNA	:	

This is a decision on the "REQUEST FOR WITHDRAWL OF HOLDING OF ABANDONMENT," filed on October 27, 2010, which is treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

The petition is **GRANTED**.

A Notice of Abandonment was mailed on October 20, 2010, stating that the application was abandoned for failure to timely file a reply to the Office letter mailed on April 15, 2010.

A review of the record reveals that on April 15, 2010, a non-final Office action was mailed, setting a three (3)-month shortened statutory period for reply.

On October 15, 2010, an amendment and a three (3)-month extension of time under 37 CFR 1.136(a) were filed.

As the reply filed on October 15, 2010, with a three (3)-month extension of time, was timely filed within the extendable period for reply to the non-final Office action mailed on April 15, 2010, there is no abandonment in fact.

The Office apologizes for any inconvenience to petitioners.

The holding of abandonment is withdrawn. The Notice of Abandonment is vacated.

The application is referred to Technology Center Art Unit 1786 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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PAUL W. MARTIN
NCR CORPORATION, LAW DEPT.
3097 SATELLITE BLVD., 2nd FLOOR
DULUTH GA 30096

MAILED
JUL 26 2011
OFFICE OF PETITIONS

In re Application of
Michael Taylor
Application No. 12/001,814
Filed: December 13, 2007
Attorney Docket No: **14058.00**

ON PETITION

This is a decision on the petition to withdraw the holding of abandonment, filed July 12, 2011, under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned on February 10, 2011, for failure to file a timely response to the non-Final Office Action mailed November 9, 2010, which set a three (3) month statutory period for reply. Accordingly, a Notice of Abandonment was sent via email notification on May 26, 2011. Petitioner asserts that the non-Final Office Action was never received.

The file record discloses that the Office Action was mailed to the address of record which is the same address previously used on all correspondences from the USPTO up to the date the Office Action was mailed. Petitioner has provided a copy of the docket to show that the Office Action mailed November 9, 2010 was not received. Petitioner also explains that after searching the file and docket records, where receipt of the office action would have been indicated if it had been received, it was concluded that no correspondence was received for this matter from the USPTO.

In that the statement from the petitioner and the exhibit from the docket record for the instant matter show no entry indicating receipt of the non-Final Office Action mailed November 9, 2010, it is apparent that it was not received. The evidence submitted corroborates non-receipt of the Office Action.

In view of the facts set forth in the petition, it is concluded that the Office Action was never received at the address of record. Accordingly, the holding of abandonment is withdrawn and no petition fee is due.

This matter is being referred to Technology Center 2876 for a re-mailing of the non-Final Office Action and for a restarting of the period for response.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PAUL W. MARTIN
NCR CORPORATION, LAW DEPT.
3097 SATELLITE BLVD., 2ND FLOOR
DULUTH GA 30096

MAILED

JUL 18 2011

OFFICE OF PETITIONS

In re Application of :
FERRIS, et al :
Application No. 12/001,815 : **DECISION ON PETITION**
Filed: December 13, 2007 :
Attorney Docket No. 13945.00 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 30, 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 petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1620; and (3) a statement of unintentional delay.

This application is being referred to Technology Center AU 2177 for appropriate action by the Examiner in the normal course of business on the reply received June 30, 2011.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Christla Willis
240 Anderson Rd.
Waynesboro GA 30830

MAILED

NOV 19 2010

OFFICE OF PETITIONS

In re Application of
Willis
Application No. 12/001,821
Filed: December 13, 2007
Atty. Dkt. No.: ANIMASKS KID'S DUST MASKS ANIMASKS AKA CHILD FRIENDLY FILTER MASKS

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(a) filed August 30, 2010.

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 action within the meaning of 5 U.S.C. § 704.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unavoidable delay or to accept an unavoidably delayed payment of a fee for issuing a patent. In this instance, the small entity fee required by law currently is $270.00. Should the fee increase, petitioner would be responsible for the fee current as of the time of submission of the renewed petition.

To date, the Office has received $5.00. As of the mail date of this decision, $265.00 remains due, provided the fee does not increase.

Accordingly, the petition has not been addressed on the merits.

Any renewed petition must be accompanied by the required petition fee. Petitioner is advised to review the USPTO fee schedule prior to submission of any request for reconsideration to ensure that the appropriate fee is submitted.

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
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

BLUE LEAF I.P., INC.
P.O. BOX 1895
M.S. 641
NEW HOLLAND PA 17557

In re Application of
BENES, JASON M. et al. :
Application No.: 12/001,823 :
Filing or 371(c) Date: December 13, 2007 :
Attorney Docket Number: 17361 :

JAN 26 2011
DECISION ON
PETITION

This is a decision on the Petition to Withdraw Holding of Abandonment received in the United States Patent and Trademark Office (USPTO) on November 15, 2010.

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 July 19, 2010 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on November 2, 2010.

Petitioner states that the issue fee transmittal and payment were timely filed via the USPTO on September 1, 2010. Petitioner submitted a copy of the original submission which included a properly completed Certificate of Mailing/Transmission.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1547.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

FEB 10 2012

OFFICE OF PETITIONS

NIXON PEABODY, LLP
300 S. RIVERSIDE PLAZA, 16TH FLOOR
CHICAGO, IL 60606-6613

In re Application of :
Watlington et al. :
Application No. 12/001,863 : DECISION ON PETITION
Filed: December 13, 2007 :
Attorney Dkt. No. 247168-00344USPT :
For: DRILL BIT ASSEMBLY FOR BONE :
TISSUE INCLUDING DEPTH LIMITING :
FEATURE :

This is a decision on the petition, filed January 10, 2012, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

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 non-final Office action mailed March 16, 2011, which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed on October 25, 2011.

Petitioner asserts that the non-final Office action dated March 16, 2011 was not received because a revocation of power of attorney and change of address submitted September 9, 2008 was not entered.

A review of the written record indicates an irregularity in the mailing of the non-final Office action. In this regard, the Office received a change of address on September 9, 2008, prior to the mailing of the non-final Office action of March 16, 2011. Office records were not updated to reflect this new change of address. Accordingly, as the non-final Office action was mailed to an incorrect address, the Notice of Abandonment mailed October 25, 2011 is hereby vacated and the holding of abandonment withdrawn.

In light of the submission of the response to the Office action, re-mailing of the non-final Office action is not required.

This application is being referred to art unit 3775 for further processing in the normal course of business on the reply submitted on January 10, 2012.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
OIW Jan-12

WEIDE & MILLER, LTD.
7251 W. LAKE MEAD BLVD.
SUITE 530
LAS VEGAS NV 89128

MAILED
JAN 12 2012
OFFICE OF PETITIONS

In re Application of :
Ohanes D. Ghazarian :
Application No. 12/001,937 : ON PETITION
Filed: 12/12/2007 :
Attorney Docket No. :
GHAZAR.0001P :

This is a decision in response to the petition under 37 CFR 1.137(b) filed on November 21, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on July 10, 2011, for failure to timely file a proper reply to the final Office action mailed on February 9, 2011, which set a three (3)-month shortened statutory period for reply. On July 6, 2011, an amendment after final rejection was filed, accompanied by a two (2)-month extension of the time for reply in accordance with 37 CFR 1.136(a) was obtained. On July 28, 2011, however, the Office mailed an Advisory Action Before the Filing of an Appeal Brief, stating that the reply filed on July 6, 2011 fails to place this application in condition for allowance. On August 23, 2011, Notice of Abandonment was mailed.

Petitioner states that the reply being filed is a continuation-in-part application. A review of Office PALM records reveals that continuation-in-part Application No. 13/373,206 was filed on November 8, 2011.

Since this application is revived for purposes of continuity only with continuing Application No. 13/373,206, filed on November 8, 2011, and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of the above-referenced application.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Vladimir Anatol Shreider
1401/55 Morehead St., Redfern
Sydney, New South Wales 2016 AU AUSTRALIA

MAILED

JAN 10 2011

OFFICE OF PETITIONS

In re Application of :
Vladimir Anatol Shreider et al. :
Application No. 12/001,943 :
Filed: December 14, 2007 :
Attorney Docket No. :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 2, 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.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 26, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed July 26, 2010. Accordingly, the date of abandonment of this application is October 27, 2010. A Notice of Abandonment was mailed on November 8, 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 lack items (2) and (3).

As to item (2), a petition under 37 CFR 1.13(b) requires a fee of $810 (small entity). A payment in the amount of $750 was received. A balance of $60 is due.

As to item (3) the statement of unintentional delay is not presently acceptable because the petition was not signed by all of the inventors.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618. Inquiries can also be directed to the Petitions Office help desk at (571) 272-3282.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Vladimir Anatol Shreider
1401/55 Morehead St., Redfern
Sydney, New South Wales 2016 AU AUSTRALIA

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of :
Vladimir Anatol Shreider et al. :
Application No. 12/001,943 : ON PETITION
Filed: December 14, 2007 :
Attorney Docket No. :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 26, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed July 26, 2010. Accordingly, the date of abandonment of this application is October 27, 2010. A Notice of Abandonment was mailed on November 8, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111031

DATE : October 31, 2011

12001947 RaO

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction on Patent No.: 7,998,969

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:

1. The requested change under column 92, line 23, after "{" insert --2-[-- cannot be approved because there is no "{" on line 23 under column 92.

2. The requested change under column 96, line 18, after "}" insert -- 3,5 -- cannot be approved because there is no "}" on line 18 under column 96.

All other changes are approved.

James O. Wilson
Supervisory Patent Examiner, AU 1624

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111214

DATE : December 14, 2011

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction on Patent No.: 7,998,969

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:

This is in response to the Certificate of Correction request filed November 30, 2011 (11/30/2011). All changes are approved.

James O. Wilson
Supervisory Patent Examiner, AU 1624

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HERBERT E. HAYNES JR
2383 GLENVIEW DR.
SIERRA VISTA AZ 85650

MAILED
OCT 12 2010
OFFICE OF PETITIONS

In re Application of	:	
Gordon R. HAKOLA	:	
Application No. 12/001,949	:	DECISION ON PETITION
Filed: December 14, 2007	:	
Attorney Docket No.	:	

This is a decision on the petition, filed June 23, 2010 and supplemental petition filed June 28, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before June 01, 2010, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed March 01, 2010.

Petitioner asserts that the Notice dated March 01, 2010 was not received.

A review of the written record indicates no irregularity in the mailing of the Notice and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

1. a statement from practitioner stating that the Notice was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received; and

3. a copy of the docket record where the nonreceived Notice would have been entered and docketed had it been received must be attached to and referenced in the practitioner'statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).
The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

This application is being referred to the Technology Center AU 3653 technical support staff for **re-mailing** the Notice of Allowability and the Notice of Allowance and Fee(s) Due of March 01, 2010. The period for paying the issue and publication fees and submitting corrected drawings will be reset to expire three (3) months from the date the Notices are re-mailed. This period is not extendable under the provisions of 37 CFR 1.136.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

MAILED

APR 28 2011

OFFICE OF PETITIONS

In re Application of	:	
John R. Wullert II	:	
Application No. 12/001,974	:	DECISION ON PETITION
Filed: December 13, 2007	:	
Attorney Docket No. 94622	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 11, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 4, 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 5, 2009. A Notice of Abandonment was mailed April 15, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to Technology Center AU 2614 for appropriate action by the Examiner in the normal course of business on the reply received April 11, 2011.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCDONNELL BOEHNEN HULBERT & BERGHOFF, LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Jacek Korycki, et. al.	:	DECISION REFUSING STATUS
Application No. 12/001,975	:	UNDER 37 CFR 1.47(b)
Filed: December 13, 2007	:	
Attorney Docket No. 09-450-REI	:	

This is a decision on the petition under 37 CFR 1.47(b) filed November 9, 2010, which is being treated as a petition under 37 CFR 1.183 seeking waiver of 37 CFR §§ 1.67 and 1.63 where they require that a supplemental declaration be executed by the named inventors[1].

The petition under 37 CFR 1.183 is **dismissed**.

The instant petition requires:

(1) proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refuses to sign after having been presented with the application papers (specification, claims, and drawings),

(2) a proper oath or declaration executed by the available joint inventor(s),

(3) the fee of $400 as specified in 37 CFR § 1.17(h), and

(4) the last known address of the omitted inventor(s).

Applicant lacks item (2) set forth above.

As to item (2) above, the declaration lacks compliance with 37 CFR 1.63(a)(2) in that the declaration does not list all the named inventors. Petitioner's attention is directed to MPEP Section 602, which states:

> "Where joint inventors execute separate oaths or declarations, each oath or declaration should make reference to the fact that the affiant is a joint inventor together with each of the other joint inventors indicating them by name. This may be

[1] Once an application containing 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.

done by stating that he or she does verily believe himself or herself to be the original, first and joint inventor together with 'A' or 'A & B, etc."

Accordingly, a new declaration which lists all the inventors and is signed by all the signing inventor(s) and leaving the signature block of the non-signing inventor blank is required. *See also* MPEP Sections 201.03 and 409.03(a).

Since present petition requires a $400 petition fee, the deficiency of $200 will be charged to petitioner's deposit, as authorized.

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 1.183," 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).

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 Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCDONNELL BOEHNEN HULBERT & BERGHOFF, LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

MAILED

APR 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Jacek Korycki, et. al.	:	DECISION REFUSING STATUS
Application No. 12/001,975	:	UNDER 37 CFR 1.47(b)
Filed: December 13, 2007	:	
Attorney Docket No. 09-450-REI	:	

This is a decision on the renewed petition under 37 CFR 1.183 filed on April 13, 2011, seeking waiver of 37 CFR §§ 1.67 and 1.63 where they require that a supplemental declaration be executed by the named inventors.

In response to the decision mailed February 28, 2011, petitioner submits the present renewed petition on April 13, 2011.

The instant petition requires:

(1) proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refuses to sign after having been presented with the application papers (specification, claims, and drawings),
(2) a proper oath or declaration executed by the available joint inventor(s),
(3) the fee of $400 as specified in 37 CFR § 1.17(h), and
(4) the last known address of the omitted inventor(s).

Since the present petition complies with all the above requirements, the petition under 37 CFR 1.183 is **granted**.

This application file is being referred to Technology Center Art Unit 2476 for examination in due course.

Telephone inquiries regarding this decision should be directed to Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucel
Petitions Examiner

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BOR Z. JANG
9436 PARKSIDE DRIVE
CENTERVILLE OH 45458

MAILED

AUG 10 2010

OFFICE OF PETITIONS

In re Application of :
Zhamu :
Application No. 12/001,981 :
Filed: 14 December, 2007 :
Attorney Docket No. (None) :

DECISION

This is a decision on the petition filed on 29 June, 2010, to revive an application pursuant to 37 C.F.R. §1.137(b) as having been abandoned due to unintentional delay.

NOTES:

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue.

Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[1] *In the event that such an inquiry has not been made, Petitioner* ***must*** *make such an inquiry.*

If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional, Petitioner ***must*** *notify the Office.*

The address on the petition is different than that of record.

If Petitioner desires to receive future correspondence regarding this application, the appropriate Notice must be submitted. A different address tagged onto an amendment or other such paper is not a proper Notice. (See, generally, 37 C.F.R. §1.4.)

A courtesy copy of this decision will be mailed to Petitioner.

However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

[1] See 37 C.F.R. §10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the final Office action mailed on 9 November, 2009, with reply due absent extension of time on or before 9 February, 2010.

On 24 March, 2010, Petitioner Mark P. Levy (Reg. No. 27,922) filed, *inter alia*, a request and fee for extension of time and an amendments after final, which amendment the Examiner refused to enter and Petitioner—as one registered to practice before the Office—knew was not as of right and not a proper reply[2] if it did not *prima facie* place the application in condition for allowance, and on 4 May, 2010, the Examiner mailed an Advisory Action.

The application went abandoned by operation of law after midnight 9 April, 2010.

It does not appear that the Office mailed the Notice of Abandonment before a petition was filed herein.

On 29 June, 2010, Petitioner filed, *inter alia*, a petition with fee pursuant to 37 C.F.R. §1.137(b), a reply in the form of a request for continued examination and fee and a submission pursuant to 37 C.F.R. §1.114 in the form of an amendment, and made the statement of unintentional delay.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts

[2] A proper reply is an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal, or an RCE (with fee and submission under 37 C.F.R. §1.114). (See: MPEP §711.03(c).)

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 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).[4] The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[5]))

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 Technology Center 1793 for further processing in due course.

---

[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. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[4] 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.

[5] 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.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[6]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

CC
MARK P. LEVY
P.O. BOX 8801
DAYTON, OH 45401-8801

[6] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

January 11, 2011

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

In re Application of	:	**DECISION ON PETITION**
CHO, BONG-RAE	:	
Application No: **12/002027**	:	**ACCEPTANCE OF COLOR**
Filed: **12/14/2007**	:	**DRAWINGS**
Attorney Docket: **61053/J257**	:	

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 14, 2007.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JERRY L. MAHURIN
THE GATES CORPORATION
MS: IP LAW DEPT. 10-A3
1551 WEWATTA STREET
DENVER CO 80202

MAILED

MAY 3 1 2011

OFFICE OF PETITIONS

In re Application of	:	
King, et al.	:	
Application No. 12/002,130	:	DECISION
Filed/Deposited: 14 December, 2007	:	
Attorney Docket No. C06-125A	:	

This is a decision on the petition filed on 25 February, 2011, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Applicant failed to reply timely and properly to the non-final Office action mailed on 20 August, 2010, with reply due absent extension of time on or before 20 November, 2008.

The application went abandoned by operation of law after midnight 20 November, 2010.

It does not appear that the Office mailed the Notice of Abandonment before a petition was filed.

On 25 February, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, with a statement of unintentional delay and a reply in the form of an amendment. For reasons not apparent in the record, Petitioner inappropriately filed a request and fee for extension of time and those fees are refunded via Deposit Account. Should Petitioner later find that the fees were not refunded, Petitioner should file a request with the Office of Finance with a copy of this decision.

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]))

---

[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 pursuant to 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).

[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.

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 3753 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[4] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attdance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

MAILED

FEB 25 2011

OFFICE OF PETITIONS

In re Application of :
Drewes, et al. :
Application No. 12/002,222 : ON PETITION
Filed: December 14, 2007 :
Attorney Docket No.: 50125/103003 :

This is a decision on the petition filed September 28, 2010, which is being treated as a petition under 37 CFR 1.181(a)(3) requesting that the Director exercise his supervisory authority and overturn the petition decision, dated July 28, 2010, dismissing petitioners' request for a refund of $43,420.00.

The petition to overturn the decision dismissing petitioners' request for refund, dated July 28, 2010, is **DENIED**.

BACKGROUND

The instant application was filed on December 14, 2007 with a check for $2,890.00 intended to cover the total fees.

The Transmittal Letter filed with the application itemized the fees to be covered by the check and indicated that $780.00 was for an application size fee "for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is $260/$130 for each additional 50 sheets of paper or fraction thereof." The transmittal Letter further included a request to "[p]lease apply any other charges or any other credits to Deposit Account No. 03-2095."

A compact disk was submitted upon filing having computer data that was equivalent to 8369 sheets of paper.

On October 17, 2008, Deposit Account No. 03-2095 was charged $43,680 as an application size fee for the quantity of data submitted on the electronic medium of compact disk.

In a letter mailed December 12, 2008, the Office indicated that a partial refund of $260.00 was given for the application size fee. This letter further indicated that "[a]pplication size fee is required when the specification and drawings exceed 100 sheets of paper, for each additional 50 sheets or fraction thereof. If multiple sets of the preceding parts that make up the Specifications and Drawings are received upon initial receipt date of the application are considered in the first calculation of the application size fee. Tables submitted on CD that comply with the CD rules (Tables sizes contained on CD's will be included into the Application Size fee, 3 Kilobytes is equivalent to 1 page)."

A refund of the entire fee was requested through a petition filed November 4, 2009.

The petition requesting a full refund was dismissed on July 28, 2010.

On September 28, 2010, a renewed petition was filed requesting reconsideration of the July 28, 2010 decision.

The decision of July 28, 2010 has been reconsidered and is denied herein.

STATUTE, REGULATION, AND EXAMINING PROCEDURE

35 USC 42(d) states:

> The Director may refund any fee paid by mistake or any amount paid in excess of that required.

35 USC 41(a)(1)(G) states:

> In addition, excluding any sequence listing or computer program listing filed in electronic medium as prescribed by the Director, for any application the specification and drawings of which exceed 100 sheets of paper (or equivalent as prescribed by the Director if filed in an electronic medium), $250 for each additional 50 sheets of paper (or equivalent as prescribed by the Director if filed in an electronic medium) or fraction thereof.

37 CFR 1.16(s) states:

> Application size fee for any application under 35 U.S.C. 111 filed on or after December 8, 2004, the specification and drawings of which exceed 100 sheets of paper, for each additional 50 sheets or fraction thereof:
>
> By a small entity (§ 1.27(a))..... $135.00
> By other than a small entity.....$270.00

37 CFR 1.26(a) and (b) state:

> (a) The Director may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee. The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payor of such amounts. If a party paying a fee or requesting a refund does not provide the banking information necessary for making refunds by electronic funds transfer (31 U.S.C. 3332 and 31 CFR part 208), or instruct the Office that refunds are to be credited to a deposit account, the Director may require such information, or use the banking information on the payment instrument to make a refund. Any refund of a fee paid by credit card will be by a credit to the credit card account to which the fee was charged.
>
> (b) Any request for refund must be filed within two years from the date the fee was paid, except as otherwise provided in this paragraph or in § 1.28(a). If the Office charges a deposit account by an amount other than an amount specifically indicated in an authorization (§ 1.25(b)), any request for refund based upon such charge must be filed within two years from the date of the deposit account statement indicating such charge, and include a copy of that deposit account statement. The time periods set forth in this paragraph are not extendable.

37 CFR 1.52(f)(1) states:

> Any sequence listing in an electronic medium in compliance with §§ 1.52(e) and 1.821(c) or (e), and any computer program listing filed in an electronic medium in compliance with §§ 1.52(e) and 1.96, will be excluded when determining the application size fee required by § 1.16(s) or § 1.492(j). For purposes of determining the application size fee required by § 1.16(s) or § 1.492(j), for an application the specification and drawings of which, excluding any sequence listing in compliance with § 1.821(c) or (e), and any computer program listing filed in an electronic medium in compliance with §§ 1.52(e) and 1.96, are

submitted in whole or in part on an electronic medium other than the Office electronic filing system, each three kilobytes of content submitted on an electronic medium shall be counted as a sheet of paper.

37 CFR 1.53(f)(1) and (3) state:

(1) If an application which has been accorded a filing date pursuant to paragraph (b) or (d) of this section does not include the basic filing fee, the search fee, or the examination fee, or if an application which has been accorded a filing date pursuant to paragraph (b) of this section does not include an oath or declaration by the applicant pursuant to §§ 1.63, 1.162 or § 1.175, and applicant has provided a correspondence address (§ 1.33(a)), applicant will be notified and given a period of time within which to pay the basic filing fee, search fee, and examination fee, file an oath or declaration in an application under paragraph (b) of this section, and pay the surcharge if required by § 1.16(f) to avoid abandonment.

(3) If the excess claims fees required by §§ 1.16(h) and (i) and multiple dependent claim fee required by § 1.16(j) are not paid on filing or on later presentation of the claims for which the excess claims or multiple dependent claim fees are due, the fees required by §§ 1.16(h), (i) and (j) must be paid or the claims canceled by amendment prior to the expiration of the time period set for reply by the Office in any notice of fee deficiency. If the application size fee required by § 1.16(s) (if any) is not paid on filing or on later presentation of the amendment necessitating a fee or additional fee under § 1.16(s), the fee required by § 1.16(s) must be paid prior to the expiration of the time period set for reply by the Office in any notice of fee deficiency in order to avoid abandonment.

MPEP 607.02 states in pertinent part:

When an applicant or patentee takes an action "by mistake" (e.g., files an application or maintains a patent in force "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application or a maintenance fee submitted for such patent) is not a "fee paid by mistake" within the meaning of 35 U.S.C. 42(d)....

[I]f the Office charges a deposit account by an amount other than an amount specifically indicated on the charge authorization, any request for refund based upon such charge must be filed within two years from the date of the deposit account statement indicating such charge, and must include a copy of that

deposit account statement. This provision of 37 CFR 1.26(b) applies, for example, in the following types of situations: (1) a deposit account charged for an extension of time pursuant to 37 CFR 1.136(a)(3) as a result of there being a prior general authorization in the application; or (2) a deposit account charged for the outstanding balance of a fee as a result of an insufficient fee submitted with an authorization to charge the deposit account for any additional fees that are due. In these situations, the party providing the charge authorization is not in a position to know the exact amount by which the deposit account will be charged until the date of the deposit account statement indicating the amount of the charge. Therefore, the two-year time period set forth in 37 CFR 1.26(b) does not begin until the date of the deposit account statement indicating the amount of the charge.

OPINION

According to 35 USC 41(a)(1)(G), the Director shall charge "excluding any sequence listing or computer program listing filed in electronic medium as prescribed by the Director, for any application the specification and drawings of which exceed 100 sheets of paper (or equivalent as prescribed by the Director), $250 for each additional 50 sheets of paper (or equivalent as prescribed by the Director if filed in an electronic medium) or fraction thereof." The statute expressly excludes sequence listings or computer program listings filed in an electronic medium as prescribed by the Director from the application size fee. The statute does not empower the Director to exclude tables, such as those provided on the CD filed in this application, from the application size fee. Since much of the data on the CD filed with the instant application was in the form of tables rather than sequence listings or computer program listings, an application size fee was due.

The application size fee, as set forth in 37 CFR 1.16(s), was $260.00 for each additional 50 sheets or fraction thereof (for other than a small entity) when the instant application was filed and is currently $270.00. In addition, 37 CFR 1.52(f)(1), under which the application size fee is determined, requires that each three kilobytes of content submitted on an electronic medium be counted as a sheet of paper for an application the specification and drawings of which are submitted in whole or in part on an electronic medium other than the Office electronic filing system.

Therefore, the tables submitted on CD on December 14, 2007 were properly included in the determination of the application size fee required by 35 USC 41(a)(1)(G) and 37 CFR 1.16(s). The tables on CD are equivalent to 8369 sheets. Thus, the application size fee due for the tables on CD was $43,420. The USPTO charged the application size fee due for the tables on CD to counsel's deposit account in accordance with the authorization to charge fees included on the application transmittal letter. There were

no limits or restrictions placed on the authorization to charge fees and thus the authorization was a general authorization to charge any fees due to the deposit account.

In regard to the requested refund of $43,420.00, 35 USC 42(d) and 37 CFR 1.26(a) provide that the Director may refund: (1) any fee paid by mistake or (2) any amount paid in excess of that required.

Petitioners assert that the application size fee charged to Deposit Account No. 03-2095 was paid by mistake since the charge was not applied when the application was filed and applicants were not notified that such a fee was due. Petitioners further contend that a refund is warranted because the charge to the deposit account was allegedly: (1) inconsistent with the course of dealings with the Office and the applicants, and (2) inconsistent with 37 CFR 1.53(f)(3) regarding payment of excess page fees. Petitioners further contend that 37 CFR 1.26(b) and MPEP 607.02 provide for refunds in the present situation.

In the course of dealing with the Office, petitioners were notified on March 13, 2008, via a Notice to File Missing Parts of Nonprovisional Application, that the application was not filed with an oath or declaration and that, among other things, the oath or declaration must be filed with a $130.00 surcharge for the late submission of an oath or declaration. A check for $130.00 was then filed with a declaration and promptly credited to the instant application. However, the proceedings related to the declaration are a separate matter from the application size fee that was due. As required by 37 CFR 1.53(f)(1), the Office notifies applicants when an oath or declaration is due with surcharge. In contrast, the Office will charge fees due when an applicant expressly requests that the Office apply any other charges or any other credits to a deposit account. Here, the late filed declaration and application size fee were processed separately and consistent with governing statutes, regulations, and well established Office practice.

Although the application size fee was due upon filing, the deposit account was not charged for this fee until ten months after filing. While the Office endeavors to promptly process items filed, including fees, there is no deadline by which the Office must process a fee that is due upon filing and paid through a general authorization to charge a deposit account. The Office complied with governing statutes, regulations, and Office practice when it charged the application size fee. The Office was not inconsistent in the course of dealings with applicants.

Furthermore, petitioners' reliance on 37 CFR 1.53(f)(3) is inappropriate as this regulation is invoked when an application size fee is not paid on filing and is identified in a notice of fee deficiency. Here, there was no fee deficiency. A general authorization to charge any fee to a deposit account was given upon filing and the deposit account had sufficient funds to satisfy the fee due. Also, the reference to an application size fee

that is not paid on filing does not imply that the Office must charge a fee immediately upon filing or send applicants a notice of fee deficiency. Thus, the charge to the petitioners' deposit account was consistent with 37 CFR 1.53(f)(3).

Petitioners' reliance on 37 CFR 1.26(b) and the discussion of this regulation in MPEP 607.02 is misplaced. These provisions pertain to the time periods for requesting a refund. They do **not** pertain to the determination of whether a fee has been paid by mistake or in excess of the amount required within the meaning of 35 USC 42(d) and 37 CFR 1.26(a). The provisions of 37 CFR 1.26(b) (and the discussion of this regulation in MPEP 607.02) distinguish between a general authorization to charge a deposit account and a specific authorization to charge a deposit account for purposes of the time period for requesting a refund because a party providing a general authorization is not in a position to know the exact amount by which the deposit account will be charged until the date of the deposit account statement indicating the amount of the charge. *See Changes to Implement the Patent Business Goals*, 65 *Fed. Reg.* 54603, 54609 (Sept. 8, 2000). There is no distinction between a general authorization to charge a deposit account and a specific authorization to charge a deposit account in determining whether a fee has been paid by mistake or in excess of the amount required within the meaning of 35 USC 42(d) and 37 CFR 1.26(a). *See id.* at 54608 (no distinction between fee payment methods in the discussion of what does and does not constitute a fee paid by mistake or any amount paid in excess of that required under 35 USC 42(d)). Therefore, 37 CFR 1.26(b) and the discussion of this regulation in MPEP 607.02 do not apply here.

The statutory authorization for the refund of fees paid "by mistake" only applies to a mistake relating to an erroneously paid fee. It does not apply to situations where an applicant takes an action "by mistake." See MPEP 607.02. Accordingly, applicants' lack of knowledge that the CD contained a large amount of data and that the fee was due is not a "fee paid by mistake" within the meaning of 35 U.S.C. 42(d).

Also, the application size fee paid in this application was not paid in excess of the amount of fee that is required.

DECISION

The fee was neither paid by mistake nor paid in excess of the amount of fee that is required, and therefore, cannot be refunded under the governing provisions of the statute and regulations. As such, the decision of July 28, 2010 is affirmed and the petition is **denied**.

This decision is a final agency action within the meaning of 5 USC § 704 for purposes of seeking judicial review. See MPEP 1002.02.

Telephone inquiries concerning this decision should be directed to Christopher Bottorff at (571) 272-6692.

Anthony Knight
Director, Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/6/2011

TO SPE OF : ART UNIT 1643

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/002245 Patent No.: 7919593

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

1643
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.
12/002,259	12/17/2007	Chinhua Wang		6612

7590 08/25/2010

Andreas Mandelis
3 Scarborough Heights Blvd.
Scarborough, ON M1M 2V3
CANADA

EXAMINER	
JAGAN, MIRELLYS	
ART UNIT	PAPER NUMBER
2855	

MAIL DATE	DELIVERY MODE
08/25/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

In re Patent No. WANG ET AL. :
Issue Date: May 11, 2010 : **DECISION GRANTING**
Appl No.: 12/002,259 : **PETITION**
Filed: December 17, 2007 : *37 CFR 1.324*
For: Non-Contact Method and Apparatus for Hardness Case Depth Monitoring :

This is a decision on the petition filed July 7, 2010 to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

Lisa Caputo
Supervisory Patent Examiner
Art Unit 2855
Technology Center 2800

Andreas Mandelis
3 Scarborough Heights Blvd.
Scarborough, CANADA M1M 2V3

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAILED
MAR 26 2012
OFFICE OF PETITIONS

JOHN BRUCKNER PC
P.O. BOX 835880
RICHARDSON TX 75083-5880

In re Application of
Oliver Paul LEISTEN :
Application No. 12/002,322 :
Filed: December 14, 2007 : NOTICE UNDER 37 CFR. 1.28(c)
Patent No. 8,134,506 :
Issue Date: March 13, 2012 :
Attorney Docket No. WIRO1440-1

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Michelle R. Eason at (571) 272-4231.

/Thurman K. Page/
Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

www.uspto.gov

MICHAEL RIES
318 PARKER PLACE
OSWEGO IL 60543

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of :
Angela SPANGENGERG :
Application No. 12/002,341 : ON PETITION
Filed: December 14, 2007 :
Attorney Docket No. PAWI200354U :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 5, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of April 14, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is July 15, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405, and the submission required by 37 CFR 1.114; (2) the petition fee of $810; and (3) the required statement of unintentional delay have been received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 3636 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

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12002346
Filing Date	17-Dec-2007
First Named Inventor	Richard Williams
Art Unit	2815
Examiner Name	DAVID SPALLA
Attorney Docket Number	AATI-24E-DS-US
Title	ISOLATED JUNCTION FIELD-EFFECT TRANSISTOR

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	/David E. Steuber/
Name	David E. Steuber
Registration Number	25557

UNITED STATES 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 15, 2012

In re Application of :

Richard Williams

Application No : 12002346

Filed : 17-Dec-2007

Attorney Docket No : AATI-24E-DS-US

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed February 15, 2012 , to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DANIEL DEJOSEPH
F.L.SMIDTH INC.
2040 AVENUE C
BETHLEHEM PA 18017-2188

MAILED
FEB 08 2011
OFFICE OF PETITIONS

In re Application of :
Salmento :
Application No. 12/002,394 : DECISION
Filed/Deposited: 18 December, 2010 :
Attorney Docket No. 6548 :

This is a decision on the petition filed on 19 November, 2010, 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.

NOTE:

Petitioner failed to provide with the instant petition a copy of the averred reply (in the form of an Election).

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. §1.181."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Restriction Requirement mailed on 10 March, 2010, with reply due absent extension of time on or before 10 June, 2010.

The application went abandoned by operation of law after midnight 10 June, 2010.

The Office mailed the Notice of Abandonment on 16 November, 2010.

On 10 November, 2010, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181 and averred timely reply, providing therewith, *inter alia*, copies of an acknowledgment receipt, a drawing and request and fee for extension of time, however, Petitioner failed to provide a copy of the averred reply (in the form of an Election) and further failed to follow and satisfy the guidance in the Commentary at MPEP §711.03(c)(I).

Thus, Petitioner has not completed the showing as discussed below in the citation from the Manual of Patent Examining Procedure (MPEP).

Petitioner is directed to the appropriate guidance (MPEP §711.03(c)(I)), and requested to comply with it.

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]

***

If Petitioner is unable to comply with and/or otherwise satisfy these requirements, Petitioner may wish to revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

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

[1] *See*: MPEP §711.03(c) (I)(B).

and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[3],[4]

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.

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[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[3] 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.))

> 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 it is to be made and supported.

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)
Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

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[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).

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 regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[6]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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[6] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DANIEL DEJOSEPH
F.L.SMIDTH INC.
2040 AVENUE C
BETHLEHEM PA 18017-2188

MAILED
NOV 18 2011
OFFICE OF PETITIONS

In re Application of :
Salmento :
Application No. 12/002,394 : DECISION
Filed/Deposited: 18 December, 2010 :
Attorney Docket No. 6548 :

This is a decision on the petition filed on 14 February, 2011, for revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b).

NOTE:

The instant petition was forwarded to the Office of Petitions for determination only at this writing. Petitioner should note that most matters are determined within 90 to 120 days of filing, and delays past that time should prompt Petitioner to make inquiry as to Status.

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 Restriction Requirement mailed on 10 March, 2010, with reply due absent extension of time on or before 10 June, 2010.

The application went abandoned by operation of law after midnight 10 June, 2010.

The Office mailed the Notice of Abandonment on 16 November, 2010.

On 10 November, 2010, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181 and averred timely reply, providing therewith, *inter alia*, copies of an acknowledgment receipt, a drawing and request and fee for extension of time, however, Petitioner failed to provide a copy of the averred reply (in the form of an Election) and further failed to follow and satisfy the guidance in the Commentary at MPEP §711.03(c)(I). Petitioner did not complete the showing as set forth in the MPEP, and the petition was dismissed on 8 February, 2011.

On 14 February, 2011, rather than re-advance the petition pursuant to 37 C.F.R. §1.181 and make the submissions, showings (documentary and narrative) required, Petitioner chose to file, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, reply in the form of an amendment, and made the statement of unintentional delay.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS

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.[2],[3]

---

[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, formerly §10.18, to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[4]

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

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[3] 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.))

[4] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

The instant application is released to the Technology Center/AU 3753for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however , that all practice before the Office is in writing (see: 37 C.F.R. §1.2[5]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[5] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attdance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JAN 06 2011

OFFICE OF PETITIONS

RYAN KROMHOLZ & MANION, S.C.
POST OFFICE BOX 26618
MILWAUKEE WI 53226

In re Application of :
CAMPBELL et al. :
Application No. 12/002,401 : DECISION ON PETITION
Filed: 12/17/2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 9604.18681-DIV :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed June 17, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application.

The petition is **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3761 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.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/002,401	12/17/2007	3761	645	9604.18681-DIV	11	1

CONFIRMATION NO. 6794

CORRECTED FILING RECEIPT

26308
RYAN KROMHOLZ & MANION, S.C.
POST OFFICE BOX 26618
MILWAUKEE, WI 53226

OC000000045281964

Date Mailed: 01/05/2011

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)

Todd D. Campbell, Petaluma, CA;
William P. Wiesmann, Washington, DC;
Simon J. McCarthy, Portland, OR;

Assignment For Published Patent Application

HemCon Medical Technologies, Inc.

Power of Attorney:

Daniel Ryan III--29243
Joseph Kromholz--34204
John Manion--38957
Daniel Johnson--46204
Laura Dable--46436
Patricia Limbach--50295
Patrick Fleis--55185

Domestic Priority data as claimed by applicant

This application is a DIV of 10/743,051 12/23/2003 ABN
and is a CIP of 10/480,827 10/06/2004 PAT 7,482,503
which is a 371 of PCT/US02/18757 06/14/2002

Foreign Applications

If Required, Foreign Filing License Granted: 01/16/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/002,401**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

Method for preparing a compressed wound dressing

Preliminary Class

604

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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PETER C. LANDO
LANDO & ANASTASI, LLP
RIVERFRONT OFFICE PARK
CAMBRIDGE, MA 02142

MAILED

OCT 08 2010

OFFICE OF PETITIONS

In re Application of :
Shanes S. Volpe et al :
Application No. 12/002,469 : ON PETITION
Filed: December 17, 2007 :
Attorney Docket No. 070733

This is a decision on the petition, filed October 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 July 21, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3762 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

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
12/002,469	12/17/2007	Shane S. Volpe	070733

CONFIRMATION NO. 6721

POA ACCEPTANCE LETTER

Peter C. Lando
Lando & Anastasi, LLP
Riverfront Office Park
Cambridge, MA 02142

OC000000043936382

Date Mailed: 10/12/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/08/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/002,469	12/17/2007	Shane S. Volpe	070733

CONFIRMATION NO. 6721

POWER OF ATTORNEY NOTICE

23464
BUCHANAN INGERSOLL & ROONEY PC
P.O. BOX 1404
ALEXANDRIA, VA 22313-1404

OC000000043936309

Date Mailed: 10/12/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/08/2010.

- 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).

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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LANDO & ANASTASI, LLP
Z2011
ONE MAIN STREET, SUITE 1100
CAMBRIDGE, MA 02142

MAILED
MAY 06 2011
OFFICE OF PETITIONS

In re Application of :
Shane S. Volpe, et al. :
Application No. 12/002,469 : NOTICE
Filed: December 17, 2007 :
Attorney Docket No. Z2011-700310 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED.**

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-1642.

/AMW/
April M. Wise
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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APR 28 2011

OFFICE OF PETITIONS

ASHKAN NAJAFI, P.A.
6817 SOUTHPOINT PARKWAY
SUITE 2301
JACKSONVILLE, FL 32216

In re Application of :
Terry M. Cooke :
Application No. 12/002,493 : ON PETITION
Filed: December 18, 2007 :
Attorney Docket No.: Q89249 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 2, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed June 28, 2010. This decision precedes the mailing of a Notice of Abandonment. On March 2, 2011, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114 and fee of $405, (2) the petition fee of $810, and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 1742 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAR 10 2011

OFFICE OF PETITIONS

LAW OFFICES OF ANDREW SCHROEDER
P.O. BOX 6731
SANTA MARIA, CA 93454

In re Application of :
Michael Spangler :
Application No. 12/002,566 : ON PETITION
Filed: December 19, 2007 :
Attorney Docket No.: 1SQMS060 :

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed January 24, 2011.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before November 26, 2010, as required by the Notice of Allowance and Fee(s) Due mailed August 26, 2010. A Notice of Abandonment was mailed on December 9, 2010. On January 24, 2011, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $755 issue fee and $300 publication fee; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 12/9/2010

DATE : 12-3-10

TO SPE OF : ART UNIT 3653

SUBJECT : Request for Certificate of Correction for Appl. No.: 12002578 Patent No.: 7823872

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.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

SPE 3653 Art Unit

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12002591
Filing Date	17-Dec-2007
First Named Inventor	Gennadi Glinsky
Art Unit	1631
Examiner Name	ERIC DEJONG
Attorney Docket Number	26141-509001US
Title	Treatments of therapy resistant diseases and drug combinations for treating the same

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 30623

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(vi)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Ordway Research Inst. c/o George G. Harris - Harris, Conway & Donovan PLLC
Address	5 Clinton Square The Patroon Building
City	Albany
State	NY
Postal Code	12207
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Muriel Liberto/
Name	Muriel Liberto
Registration Number	55382

UNITED STATES 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 : September 30,2011

In re Application of :

Gennadi Glinsky

Application No : 12002591

Filed : 17-Dec-2007

Attorney Docket No : 26141-509001US

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 30,2011

The request is **APPROVED.**

The request was signed by Muriel Liberto (registration no. 55382) on behalf of all attorneys/agents associated with Customer Number 30623 . All attorneys/agents associated with Cusotmer Number 30623 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	Ordway Research Inst.
Name2	c/o George G. Harris - Harris, Conway & Donovan PLLC
Address 1	5 Clinton Square
Address 2	The Patroon Building
City	Albany
State	NY
Postal Code	12207
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

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.
12/002,619	12/17/2007	Filippo Naccari	852063.418	7398

38106 7590 12/06/2011

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE, WA 98104-7092

EXAMINER	
ZARKA, DAVID PETER	

ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
12/06/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE WA 98104-7092

In re Application of :
Naccari, Fillipo, *at el.* :
Serial No.: 12/002619 :
Filed: December 17, 2007 : *DECISION ON PETITION*
: *ACCEPTANCE OF COLOR* DRAWINGS

For:

METHOD OF CHROMATIC CLASSIFICATION OF PIXELS AND METHOD OF ADAPTIVE ENHANCEMENT OF A COLOR IMAGE

This is a decision on the petition under 37 CFR §1.184(a)(2), filed December 17, 2007 requesting acceptance of color drawings.

The petition requests that the color drawings identified in FIGS.3A-8 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is GRANTED.

Wellington Chin
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DRW Aug-10

RAYMOND SUN
12420 WOODHALL WAY
TUSTIN CA 92782

MAILED

AUG 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Lien-Chen Lin	:	DECISION ON PETITION TO
Application Number: 12/002660	:	WITHDRAW HOLDING OF
Filing Date: 12/18/2007	:	ABANDONMENT
Attorney Docket Number: ING.032	:	
	:	

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181," filed on May 10, 2010, which is treated as a renewed petition.

The application became abandoned on August 29, 2009, for failure to timely file a proper reply to the non-final Office action mailed on May 28, 2009. A Notice of Abandonment was mailed on January 11, 2009. The petition to withdraw the holding of abandonment filed on January 21, 2010, was dismissed on April 9, 2010. On May 10, 2010, the subject renewed petition was filed, accompanied by statement by counsel's paralegal, Donna Dice.

Petitioner again avers that the Office issued the Notice of Abandonment in error because applicant filed a timely reply to the non-final Office action.

In support, petitioner has provided a copy of a reply, consisting of an amendment and a paper entitled "COMBINED AMENDMENT AND PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.13(a) (Small Entity)" (hereinafter "the petition for extension of time"). The amendment contains a certificate of mailing, dated November 17, 2009, signed by Raymond Sun, petitioner's registered patent practitioner, who also signed the present petition. The petition for extension of time, however, contains a certificate of mailing, dated November 16, 2009, signed by Donna Dice. The renewed petition, filed on May 10, 2010, contains a statement by Donna Dice attesting to her personal knowledge of the deposit of the petition for extension of time with the USPS on November 16, 2009.

37 CFR 1.8(b) states, in pertinent part:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed or decided with prejudice, or the prosecution of a reexamination proceeding is terminated pursuant to § 1.550(d) or § 1.957(b) or limited pursuant to § 1.957(c), or a requester paper is refused consideration pursuant to § 1.957(a), the correspondence will be considered timely if the party who forwarded such correspondence:
>
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
>
> (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
>
> (3) Includes a statement that attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing, transmission or submission.

As petitioner has provided convincing evidence that a reply to the non-final Office action mailed on May 28, 2009, was timely filed, there is no abandonment in fact.

The petition is **GRANTED**.

The holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

The three (3) month extension of time fee has been located in the Office. No further fee is due.

No petition fee is due and none has been charged.

The application is being referred to Technology Center Art Unit 3662 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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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MODERN TIMES LEGAL
ONE BROADWAY , 14TH FLOOR
CAMBRIDGE MA 02142

MAILED

JUN 21 2011

OFFICE OF PETITIONS

In re Application of :
Suh, et al. : DECISION ON PETITION
Application No. 12/002,664 :
Filed: December 19, 2007 :
Atty. Dkt. No.: mit-12238 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 9, 2011.

The petition is **GRANTED**.

This application became abandoned March 23, 2008 for failure to timely reply to the Notice to File Corrected Application Papers (Notice) mailed January 22, 2008. The Notice set a two month statutory period of time for reply. Notice of Abandonment was mailed September 30, 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 has been carefully reviewed and found in compliance with the requirements set forth above.

In view thereof, this application is being forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : July 26,2011

In re Application of :

Gregory HAUW

Application No : 12002705

Filed : 18-Dec-2007

Attorney Docket No : MLF 726-01

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 26,2011

The request is **APPROVED.**

The request was signed by Richard Main (registration no. 33258) on behalf of all attorneys/agents associated with Customer Number 26329 . All attorneys/agents associated with Cusotmer Number 26329 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	Gregory Hauw
Name2	Ohanae, Inc.
Address 1	16400 Lark Ave.
Address 2	Suite 250
City	Los Gatos
State	CA
Postal Code	95032
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 **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12002705
Filing Date	18-Dec-2007
First Named Inventor	Gregory HAUW
Art Unit	2491
Examiner Name	TRACY MANGIALASCHI
Attorney Docket Number	MLF 726-01
Title	PASSWORD ASSISTANT

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 26329

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(iv)

10.40(c)(1)(vi)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Gregory Hauw Ohanae, Inc.
Address	16400 Lark Ave. Suite 250
City	Los Gatos
State	CA
Postal Code	95032

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Richard Main/
Name	Richard Main
Registration Number	33258

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P.O. Box 1450
Alexandria, VA 22313-1450
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FRANK J. UXA
STOUT, UXA, BUYAN &MULLINS, LLP
4 VENTURE, SUITE 300
IRVINE CA 92618

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Patent No. 7,629,436	:	
Issue Date: April 4, 2006	:	
Application No. 12/002,837	:	ON PETITION
Filed: December 18, 2007	:	
Attorney Docket No. D-4128CON	:	

This is a decision on the petition filed August 16, 2010, which is being treated as a request under 37 CFR 3.81(b)[1] to correct 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 Diane Goodwyn at (571) 272-6735. 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.

Thurman K. Page
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

November 17, 2011

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE WA 98104-7092

Re Application of
SPAMPINATO, GIUSEPPE, ET AL
Application: **12/002886**
Filed: **12/18/2007**
Attorney Docket No: **852063.419**

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) December 18, 2007.

The petition is **GRANTED**.
A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/002,890	12/19/2007	Daisuke Nakajima	07843/LH	9026

1933 7590 01/13/2011

HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER	
ELNAFIA, SAIFELDIN E	
ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
01/13/2011	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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of NAKAJIMA, DAISUKE Application No. 12/002,890 Filed: December 19, 2007 Attorney Docket No. **07843/LH**	: : : : : : :	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 Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 7, 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 do not comply with the above requirements. Concerning item 4.) above: Examination of the instant U.S. Application has begun. An Office action was mailed on December 15, 2010, prior to the decision of the request.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits in due course.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/002,895	12/18/2007	Huiyu Fang	2007P03621US	9020

46726 7590 02/18/2011

BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

EXAMINER	
KO, JASON Y	
ART UNIT	**PAPER NUMBER**
1711	

NOTIFICATION DATE	DELIVERY MODE
02/18/2011	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):

NBN-IntelProp@bshg.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

2/18/2011

wk

Mailed:

In re application of :
Fang et al. : DECISION ON
Serial No. 12/002,895 : PETITION
Filed: December 18, 2007 :
For: ANTI-VIBRATION DEVICE

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on December 21, 2010 to withdraw the final status of the office action dated October 25, 2010.

In the Non-Final Office Action of July 14, 2010, the Examiner rejected claims 1-3 and 20 under 35 USC 102(b) over Jonsson as evidenced by Williams and claims 4-5 under 35 USC 103(a) over Jonsson in view of Athanasiou or Osterberg. Applicants responded on October 4, 2010 and added new claims 21 and 22. The previous claims remained unchanged. Claim 21 depends from claim 3 and claim 22 depends from claim 1. The Examiner applied a rejection to claims 1-3 and 20-22 under 35 USC 102(b) as being anticipated by Jonsson as evidenced by Williams. Claims 1-4 and 20-22 were also rejected as being anticipated by Jonsson. This was the first time that unamended claim 4 was being rejected under anticipation. Claims 4-5 and 21-22 were rejected under 35 USC 103 over Jonsson in view of Athanasiou or Osterberg.

A second or any subsequent action on the merits in any application will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p), of any claim not amended by Applicant in spite of the fact that other claims may have been amended to require newly cited art.

DECISION

The petition for withdrawal of finality is **GRANTED**.
The period for response will continue run from the mail date of October 25, 2010.

/SHARON GIBSON/
Sharon A. Gibson, Director
Technology Center 1700
Chemical and Materials Engineering

James E. Howard
BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN NC 28562

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DEC 09 2010

OFFICE OF PETITIONS

ROBERTS MLOTKOWSKI SAFRAN & COLE PC
INTELLECTUAL PROPERTY DEPARTMENT
PO BOX 10064
MCLEAN VA 22102-8064

In re Application of :
Ahmad :
Application No. 12/002,901 : ON PETITION
Filed: December 18, 2007 :
Attorney Docket No. 14490 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed September 23, 2010.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely corrected drawings in response to the Notice to File Corrected Application Papers, mailed February 20, 2008. This Notice set an extendable period for reply of two (2) months for applicant to submit replacement drawings. No reply having been received, the application became abandoned on April 21, 2008. The Office mailed a Notice of Abandonment on October 27, 2008.

With the instant petition, petitioner paid the petition fee, made a statement of unintentional delay, and submitted the required reply in the form of replacement drawings.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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.
12/002,923	12/19/2007	Kazunori Akama	1924.79374	8143

7590 11/04/2010

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER	
WATKO, JULIE ANNE	

ART UNIT	PAPER NUMBER
2627	

MAIL DATE	DELIVERY MODE
11/04/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/002,934	12/19/2007	Leland C. Dickey	0167.07	5955

7590 05/13/2011

USDA, ARS, OTT
5601 SUNNYSIDE AVE
RM 4-1159
BELTSVILLE, MD 20705-5131

EXAMINER	
CARR, DEBORAH D	

ART UNIT	PAPER NUMBER
1621	

MAIL DATE	DELIVERY MODE
05/13/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

May 12, 2011

USDA, ARS, OTT
5601 SUNNYSIDE AVE
RM 4-1159
BELTSVILLE MD 20705-5131

In re Application of	:	
Leland C. Dickey, et al	:	**DECISION ON PETITION**
Application No. 12002934	:	
Filed: 12/19/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **0167.07**	:	***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 19, 2007.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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KLEIN O'NEILL & SINGH LLP
18200 VON KARMAN AVENUE
SUITE 725
IRVINE CA 92612

MAILED

DEC 09 2011

OFFICE OF PETITIONS

In re
Li-Chih Tseng
Application No. 12/003,028
Filed: December 19, 2007
Attorney Docket No. 1291-083.101

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed November 16, 2011.

The fee deficiency submission under 37 CFR 1.28 of $880 is hereby accepted.

The change of status to large entity has been entered.

The application is being forwarded to the Office of Data management for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
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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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

MAILED

FEB 07 2011

OFFICE OF PETITIONS

In re Application of :
Takayuki Kamiya et al :
Application No. 12/003,097 : ON PETITION
Filed: December 20, 2007 :
Attorney Docket No. SCUFF PLATE

This is a decision on the petition, filed February 4, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 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.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2885 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).