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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/019,494	01/24/2008	Dan Sandel	54029.8026.US00	1091

34055 7590 04/01/2011

PERKINS COIE LLP
POST OFFICE BOX 1208
SEATTLE, WA 98111-1208

EXAMINER	
NGUYEN, PHONG H	
ART UNIT	**PAPER NUMBER**
3724	

NOTIFICATION DATE	DELIVERY MODE
04/01/2011	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):

patentprocurement@perkinscoie.com

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12019494	1/24/2008	SANDEL ET AL.	54029.8026.US00

PERKINS COIE LLP
POST OFFICE BOX 1208
SEATTLE, WA 98111-1208

EXAMINER
PHONG H. NGUYEN

ART UNIT	PAPER
3724	20110331

DATE MAILED:

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

Commissioner for Patents

See attachment.

DETAILED ACTION

Inventorship

1. In view of the papers filed 01/28/2009, 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 adding Georgene Austria, of 5755 Valerie Avenue, Woodland Hills, CA 61367, as an inventor of the patent application 12/019,494.

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.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHONG H. NGUYEN whose telephone number is (571)272-4510. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phong H Nguyen/
Primary Examiner, Art Unit 3724
March 31, 2011

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Rene A. Vazquez
Sinergia Technology Law Group, PLLC
127 South Main Street
Marlborough CT 06447

MAILED
FEB 14 2012
OFFICE OF PETITIONS

In re Application of :

Dancu :

Application No. 12/019,558 : ON PETITION

Filed: January 24, 2008 :

Attorney Docket No. 2300-0075

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed January 4, 2012.

The petition is **granted**.

This application was held abandoned October 27, 2011, after no reply was received to the "Notice to File Corrected Application Papers" mailed August 26, 2011. The notice set forth a non-extendable period of reply of two months from its mailing date. No response was received within the allowable period and the application became abandoned on October 27, 2011. A Notice of Abandonment was mailed November 9, 2011.

The instant petition was filed on January 4, 2012. Petitioner maintains that the Notice to File Corrected Application Papers was not received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the mäster docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to the Office of Data Management for further processing which will include re-mailing of the Notice to File Corrected Application Papers and resetting of the period for reply thereto.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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LAW OFFICES OF JERRY A. SCHULMAN
1S376 SUMMIT AVENUE
COURT C
OAKBROOK TERRACE, IL 60181

MAILED

NOV 04 2010

OFFICE OF PETITIONS

In re Application of :
Takayuki Akahoshi :
Application No. 12/019,569 : DECISION ON PETITION
Filed: January 24, 2008 :
Attorney Docket No. 10007-2-118 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 22, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional Application (Notice), mailed February 12, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 13, 2009.

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

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Patent Application Processing at 571-272-4000.

This application is being referred to the Office of Patent Application Processing for pre-examination processing of the reply received September 22, 2010.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : July 14,2011

In re Application of :

Kenneth Largman

Application No : 12019579

Filed : 24-Jan-2008

Attorney Docket No : 609828018US1

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 14,2011

The request is **APPROVED.**

The request was signed by R. Michael Ananian (registration no. 35050) on behalf of all attorneys/agents associated with Customer Number 22918 . All attorneys/agents associated with Cusotmer Number 22918 have been withdrawn.

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

Name	Vir2us, Inc.
Name2	
Address 1	755 Baywood Drive, 2nd Floor
Address 2	
City	Petaluma
State	CA
Postal Code	94954
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	12019579
Filing Date	24-Jan-2008
First Named Inventor	Kenneth Largman
Art Unit	2169
Examiner Name	KEITH YUEN
Attorney Docket Number	609828018US1
Title	COMPUTER SYSTEM ARCHITECTURE AND METHOD HAVING ISOLATED FILE SYSTEM MANAGEMENT FOR SECURE AND RELIABLE DATA PROCESSING

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

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

10.40(c)(1)(iv)

10.40(c)(1)(vi)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Vir2us, Inc.
Address	755 Baywood Drive, 2nd Floor
City	Petaluma
State	CA
Postal Code	94954

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/R. Michael Ananian/
Name	R. Michael Ananian
Registration Number	35050

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/019,877	01/25/2008	Daisuke SHIRAKAWA	320839US0CONT	1819

22850 7590 09/13/2011

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

EXAMINER	
HU, HENRY S	
ART UNIT	**PAPER NUMBER**
1764	

NOTIFICATION DATE	DELIVERY MODE
09/13/2011	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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

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Alexandria, VA 22313-1450
www.uspto.gov

wk

Mailed: 9/13/11

In re Application of : DECISION ON
Shirakawa et al. : PETITION
Serial No. 12/019,877 :
Filed: January 25, 2008 :
For: Ether Composition And Solution Composition

This is a decision on the PETITION FILED UNDER 37 CFR 1.182 filed on June 23, 2011. The petition is being decided under 37 CFR 1.181. Applicants request rejoinder of claims 17-19 to allowed claims 1, 3-9 and 16 under MPEP 821.04(a).

The Examiner on September 27, 2010 requested a restriction between four groups:

(I) claims 1-15 drawn to an ether composition;
(II) claim 16 drawn to a process of making the ether composition of group (I);
(III) claim 17 drawn to a lubricant comprising the ether composition of group I;
(IV) claims 18-19 drawn to a solution composition comprising the ether composition of Group I.

The Examiner based the restriction on the requirement for unity of invention.

Applicants responded on October 25, 2010. It was noted by the Applicants that the current application is a U.S. application, not a national stage entry under 35 USC 371 and that PCT rules do not apply to this application. Applicants further request that the requirement for restriction be withdrawn. Applicants elected Group (I), claims 1-15 with traverse.

In the Office Action of January 7, 2011, the Examiner did not find this persuasive because the Examiner asserted that all four groups were structurally different from each other. It appears that the Examiner attempted to recast the restriction under MPEP 806.05(f). The Examiner asserted that Group I is drawn to an ether composition; Group II is drawn to a process of making the ether composition of Group I; Group III is drawn to a lubricant; Group IV is drawn to a solution composition. It appears that the Examiner has grouped claim 1 to Group I and claims 16-19 to Groups II-IV. The Examiner never clearly articulated the new restriction nor gave Applicants the opportunity to elect based on the new restriction requirement. The Office Action then rejects claims 1-15 and withdraws claims 16-19.

The Examiner had an interview on May 26, 2011 with Applicant's representative. Applicants requested rejoinder of claims 17-19. The Examiner acknowledged that claim 16 was previously rejoined and that claims 17-19 were cancelled by Examiner's Amendment and that Applicants' election of Group I, claims 1-15 was made without traverse. This is not correct. A review of the record and Applicants' response shows that the election was made **with traverse**.

Applicants assert that Examiner Hu, on May 26, 2011, requested that Applicants submit rejoinder arguments via facsimile so that said arguments could be formally placed on the record in the application. Applicants submitted said arguments however it appears the Examiner never made the arguments of record. Applicants have included them in the petition request.

The Examiner on June 16, 2011 issuesd a Notice of Allowance indicating that claims 1, 3-9 and 16 are allowed and claims 17-19 were cancelled by Examiner's Amendment. Claim 2 was previously cancelled in Applicants' response to the Examiners Office Action. The Examiner references an interview on May 19, 2011 as basis to cancel Claim 17-19 and to amend Claim 1. The amendment to claim 1 was minor (replacing the word "two" with the word "three"). The record does not indicate an interview of record on May 19, 2011. This conflicts with the interview on May 26, 2011 where Applicants' representative requested rejoinder of claims 17-19.

Where restriction was required between independent or distinct products, or between independent or distinct processes, and all claims directed to an elected invention are allowable, any restriction requirement between the elected invention and any nonelected invention that depends from or otherwise requires all the limitations of an allowable claim should be withdrawn. When *all* claims to the nonelected invention(s) depend from or otherwise require all the limitations of an allowable claim, applicant must be advised that claims drawn to the nonelected invention have been rejoined and the restriction requirement has been withdrawn.

Claims 17-19 depend from claim 1. Rejoinder of claims 17-19 is appropriate in light of M.P.E.P. 821.04(a).

DECISION

The petition is **GRANTED.**

The Examiner is directed to vacate the Notice of Allowance of June 16, 2011. Canceled claims 17-19 are to be reinstated and rejoined with allowed claims 1, 3-19 and 16. Upon rejoinder a new Notice of Allowance should be issued.

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

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

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MAILED

NOV 23 2010

OFFICE OF PETITIONS

MORRIS MANNING MARTIN LLP
3343 PEACHTREE ROAD, NE
1600 ATLANTA FINANCIAL CENTER
ATLANTA GA 30326

In re Patent No. 7,579,672 :
Issue Date: August 25, 2009 :
Application No. 12/019,892 : DECISION ON PETITION
Filed: January 25, 2008 :
Attorney Docket No. 22264-71850 :

This is a decision on the petition under 37 CFR 1.182, filed September 14, 2010, 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 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
Petitions Attorney
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)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/020,022	01/25/2008	Hiroyuki YOSHIZAWA	072566	1083

7590 11/21/2011

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

EXAMINER	
LAEKEMARIAM, YOSEF K	
ART UNIT	PAPER NUMBER
2614	
NOTIFICATION DATE	DELIVERY MODE
11/21/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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LADAS & PARRY
5670 WILSHIRE BOULEVARD, SUITE 2100
LOS ANGELES CA 90036-5679

MAILED

DEC 28 2010

OFFICE OF PETITIONS

In re Patent No. 7,649,850	:	
Issue Date: January 25, 2008	:	
Application No. 12/020,056	:	DECISION ON PETITION
Filed: January 25, 2008	:	
Attorney Docket No. B-6424CONOFPCT 624736-7	:	

This is a decision on the petition under 37 CFR 1.182, filed November 19, 2010, 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 Terri Johnson at (571) 272-2991. Inquiries regarding the issuance of duplicate Letters Patent may be directed to Ollie Person in the Office of Data Management at (703) 756-1555.

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

MAY 26 2011

OFFICE OF PETITIONS

CYBERONICS, INC.
LEGAL DEPARTMENT, 6TH FLOOR
100 CYBERONICS BOULEVARD
HOUSTON, TX 77058

In re Application of :
Randolph K. Armstrong, et al. :
Application No. 12/020,097 : DECISION ON PETITION
Filed: January 25, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 1000.177/2113.006000 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 26, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Jonathan D. Rowell appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

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) and (iii) of the prior-filed application(s), unless previously submitted;[1]
(2) the surcharge set forth in § 1.17(t); and

[1] Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS) to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (*see* § 1.14).

(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(s) 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(s). In order for this application to be entitled to the benefit of the prior-filed application(s), 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(s) should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application(s) 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) 272-3204. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3762 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.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/020,097	01/25/2008	3762	1290	1000.177/2113.006000	21	4

CONFIRMATION NO. 1213

CORRECTED FILING RECEIPT

41332
CYBERONICS, INC.
LEGAL DEPARTMENT, 6TH FLOOR
100 CYBERONICS BOULEVARD
HOUSTON, TX 77058

Date Mailed: 05/25/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Randolph K. Armstrong, Houston, TX;
Steven E. Maschino, Seabrook, TX;
Timothy L. Scott, Sugar Land, TX;

Power of Attorney:
David Wise--30511
Timothy Scott--37931

Domestic Priority data as claimed by applicant

This application is a CIP of 11/046,430 01/28/2005

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

If Required, Foreign Filing License Granted: 02/08/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/020,097**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

CHANGEABLE ELECTRODE POLARITY STIMULATION BY AN IMPLANTABLE MEDICAL DEVICE

Preliminary Class

607

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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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MAILED
JUN 28 2011
OFFICE OF PETITIONS

In re Application of :
Peter Kroeger et al :
Application No. 12/020,099 : ON PETITION
Filed: January 25, 2008 :
Attorney Docket No. 71751-20 /jas :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 20, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Office action mailed March 26, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on June 27, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 12/889,462.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

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MOTOROLA MOBILITY, INC
600 NORTH US HIGHWAY 45
W2-55BB
LIBERTYVILLE IL 60048-5343

MAILED
OCT 17 2011
OFFICE OF PETITIONS

In re Application of :
Abu-Amara, Hosame H. :
Application No. 12/020,183 : ON PETITION
Filed: January 25, 2008 :
Attorney Docket No. CS33456LCS :

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

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment; (2) the petition fee of $1860.00; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 2431 for further examination on the merits.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Decision Date : September 15,2011

In re Application of :

Steve Simon

Application No : 12020209

Filed : 25-Jan-2008

Attorney Docket No : ALWA-014

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 15,2011

The request is **APPROVED.**

The request was signed by Michael S. Neustel (registration no. 41221) on behalf of all attorneys/agents associated with Customer Number 65215 . All attorneys/agents associated with Cusotmer Number 65215 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	mPhase Technologies, Inc.
Name2	Ronald Durando
Address 1	150 Clove Road
Address 2	
City	Little Falls
State	NJ
Postal Code	07424
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	12020209
Filing Date	25-Jan-2008
First Named Inventor	Steve Simon
Art Unit	1759
Examiner Name	JENNIFER DIETERLE
Attorney Docket Number	ALWA-014
Title	Device for Fluid Spreading and Transport

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 65215

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	mPhase Technologies, Inc. Ronald Durando
Address	150 Clove Road
City	Little Falls
State	NJ
Postal Code	07424
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Michael S. Neustel/
Name	Michael S. Neustel
Registration Number	41221

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FOUNTAINHEAD LAW GROUP, PC
CHAD R. WALSH
900 LAFAYETTE STREET
SUITE 301
SANTA CLARA, CA 95050

MAILED

DEC 08 2010

OFFICE OF PETITIONS

In re Application of :
Jin Wang et al :
Application No. 12/020,262 : ON PETITION
Filed: January 25, 2008 :
Attorney Docket No. 000022-001000US

This is a decision on the petition, filed December 7, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 3, 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 2838 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/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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R.D. JOHNSON & ASSOCIATES, P.C.
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P.O.BOX 920353
NEEDHAM MA 02492

MAILED

JAN 27 2012

OFFICE OF PETITIONS

In re Application of
LeNoir E. Zaiser et al.
Application No. 12/020,312
Filed: January 25, 2008
Attorney Docket No. 3886.3002US02

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 20, 2012.

The request is **not approved.**

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

A review of the file record indicates that Rodney D. Johnson, and attorneys/agents associated with customer number 59242 do not have power of attorney, but has acted in a representative capacity in this patent application. See 37 C.F.R. § 10.40.

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: LeNoir E. Zaiser
9935 Business Circle
Naples, FL 34112

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 4, 2011

TO SPE OF : ART UNIT 1787
SUBJECT : Request for Certificate of Correction for Appl. No. 12/020318 patent No.:7740952
C of C mailroom date:--08-18-10

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

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

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

Magdalene Talley

Certificates of Correction Branch

571-272- 0423

Thank You For Your Assistance

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

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

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

Carrie Shosho — **SPE**

1787 — **Art Unit**

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

MAILED
OCT 13 2011
OFFICE OF PETITIONS

In re Patent of Krieger	
Patent No. 7,991,588	DECISION ON REQUEST FOR
Issue Date: August 2, 2011	RECONSIDERATION OF
Application No. 12/020,339	PATENT TERM ADJUSTMENT
Filed: January 25, 2008	
Attorney Docket No. 16113-0187001	
Title: POWER CONSUMPTION MEASUREMENT	

This is a decision on the petition filed on October 3, 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 four hundred fifty-one (451) 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 **three hundred eighteen (318) days.**

On August 2, 2011, the above-identified application matured into U.S. Patent No. 7,991,588, with a revised patent term adjustment of 276 days. On Monday, October 3, 2011, patentee timely submitted this request for reconsideration of patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 451.

Patentee disputes the length of a reduction associated with the January 24, 2011 filing of a reply to an Office action, mailed August 27, 2010. Patentee argues the calculation under 37 CFR 1.704(b) should begin on November 29, 2010, as November 27, 2010 fell over a weekend and Monday, November 29, 2010 was the first

business day. Thus, patentee argues the period of reduction under 37 CFR 1.704(b) should be 56, not 58 days, beginning on November 30, 2010, and ending on January 24, 2011.

37 CFR 1.705(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 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.

A patentee is not permitted to raise an issue that could have been raised in an application for patent term adjustment under 37 CFR 1.705(b) in any post patent grant petition. If applicant did not agree with the length of the period of reduction pursuant to 37 CFR 1.704(b) associated with filing of a reply on January 24, 2011, the appropriate time to contest it would have been after the Notice of Allowance was mailed and prior to payment of the issue fee. No change to the 58 day reduction will be made.

Patentee disputes a reduction of 42 days entered in connection with the June 22, 2011 filing of a response to the Notice of Allowance. Patentee asserts no reduction is in order. The Office concurs.

The filing of the June 22, 2011 correspondence is not a basis for reduction of patent term adjustment pursuant to 37 CFR 1.704(c)(10).

37 CFR 1.704(c)(10) provides that:

> Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

(i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper;

or

(ii) Four months;

As stated in MPEP 2732:

37 CFR 1.704(c)(10) establishes submission of an amendment under 37 CFR 1.312 or other paper after a notice of allowance has been given or mailed as a circumstance that constitutes a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application. The submission of amendments (or other papers) after an application is allowed may cause substantial interference with the patent issue process.

Certain papers filed after allowance are not considered to be a failure to engage in reasonable efforts to conclude processing or examination of an application. See Clarification of 37 CFR 1.704(c)(10) - Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed, 1247 Off. Gaz. Pat. Office 111 (June 26, 2001). The submission of the following papers after a "Notice of Allowance" is not considered a failure to engage in reasonable efforts to conclude processing or examination of an application: (1) Fee(s) Transmittal (PTOL-85B); (2) Power of Attorney; (3) Power to Inspect; (4) Change of Address; (5) Change of Status (small/not small entity status); (6) a response to the examiner's reasons for allowance or a request to correct an error or omission in the "Notice of Allowance" or "Notice of Allowability;" and (7) letters related to government interests (e.g., those between NASA and the Office). Papers that will be considered a failure to engage in reasonable efforts to conclude processing or examination of an application include: (1) a request for a refund; (2) a status letter; (3) amendments under 37 CFR 1.312; (4) late priority claims; (5) a certified copy of a priority document; (6) drawings; (7) letters related to biologic deposits; and (8) oaths or declarations.

Applicant filed a response to the Notice of Allowance on June 22, 2011 which was a statement commenting on the examiner's reasons for allowance. As explained in MPEP 2732, (6) above, the filing of a response to the examiner's reasons for allowance is

not considered a failure to engage in reasonable efforts to conclude processing or examination of an application. Accordingly, the reduction of 42 days is being removed.

Therefore, Applicant delay is 58 days.

Finally, patentee argues that the Office incorrectly calculated Office delay pursuant to 37 CFR 1.702(b). Patentee contends that the Office erred in subtracting from the "B delay" a period of time that was not "consumed by continued examination of the application." Specifically, Patentee argues that (after the filing of the request for continued examination) the Office mailed a Notice of Allowance on March 25, 2011, thereby closing examination of the application on that date. Thus, Patentee argues no continued examination took place during the 131 day period from March 25, 2011 (the mailing date of the Notice of Allowance) until August 2, 2011 (the date the patent was issued). As such, Patentee maintains that the "B delay" should include the 131 days and be increased from 0 to 141 days.

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

> Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including —
>
> (i) any time consumed by continued examination of the application requested by the applicant under section 132(b);
>
> (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or
>
> (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

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

> Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the

issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including:

(1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);

(2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);

(3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;

(4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or

(5) Any delay in the processing of the application by the Office that was requested by the applicant.

Patentee's arguments have been considered, but not found persuasive. The Office calculated the period of "B delay" pursuant to 35 U.S.C. 154(b)(1)(B)(i) and 37 CFR 1.702(b)(1) as 0 days based on the application having been filed under 35 U.S.C. 111(a) on January 25, 2008 and the patent not having issued as of the day after the three year date, January 26, 2011, and a request for continued examination under 132(b) having been filed on January 24, 2011. In other words, the 131 day period beginning on the date of mailing of the notice of allowance to the date of issuance of the patent was considered time consumed by continued examination of an application under 35 U.S.C. 132(b) and was not included in the "B delay."

The Office's calculation of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued examination of the application at the request of the applicant under 35 U.S.C. 132(b)[1]. So, with respect to calculating the "B delay" where

---

[1] Pursuant to 35 U.S.C. 132(b) , 37 CFR 1.114 provides for continued examination of an application, as follows:

(a) If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:

(1) Payment of the issue fee, unless a petition under § 1.313 is granted;

(2) Abandonment of the application; or

(3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.

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

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

Patentee's argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of

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(b) Prosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application.

contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

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

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

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

accrue for "A delay" (e.g., extended for 1 day after the day after the period specified in clauses (i)-(iv)).

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

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

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

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[3]

[3] Thus, on occasion, even where a request for continued examination has already been filed and a notice of allowance issued pursuant to that request, applicant may file a further request for continued examination.

permit the filing of a request for continued examination under 37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

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

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

In this instance, a request for continued examination was filed on January 24, 2011, and the patent issued by virtue of that request on August 2, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on March 25, 2011 and ending on August 2, 2011 is not included in calculating Office delay.

In light thereof, the correct patent term adjustment is 318 days, which is 376 days of delay under 35 U.S.C. 154(b)(1)(A) plus 0 days of delay under 35 U.S.C. 154(b)(1)(B) reduced by 58 days of Applicant delay.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentee is

given one (1) month or thirty (30) days, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

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

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **three hundred eighteen (318) days.**

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: draft certificate of correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,991,588 B1

DATED : **August 2, 2011** **DRAFT**

INVENTOR(S) : Krieger

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

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by276 days

Delete the phrase "by 276 days" and insert – by 318 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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MINNEAPOLIS MN 55440-1022

MAILED
DEC 01 2011
OFFICE OF PETITIONS

In re Patent of Krieger	:
Patent No. 7,991,588	: FINAL AGENCY DECISION ON
Issue Date: August 2, 2011	: REQUEST FOR RECONSIDERATION
Application No. 12/020,339	: OF DECISION ON APPLICATION
Filed: January 25, 2008	: FOR PATENT TERM
Attorney Docket No. 16113-0187001	: ADJUSTMENT
Title: POWER CONSUMPTION MEASUREMENT	:

This is a decision on the "RESPONSE TO DECISION ON APPLICATION FOR PATENT TERM ADJUSTMENT" filed November 14, 2011, requesting reconsideration of the decision of October 13, 2011, and requesting that the patent term adjustment determination under 35 U.S.C. § 154(b) in the decision of October 13, 2011, be changed from 318 days to 451 days.

Patentee requests that the decision on this renewed request for reconsideration of patent term adjustment be deferred or delayed until a final decision has been rendered in Abbott Biotherapeutics Corp. v. Kappos. There is no specific regulatory provision for requesting that a petition under 37 CFR 1.705(d) be held in abeyance.

The request for reconsideration of the decision of October 13, 2011, is granted to the extent that the decision of October 13, 2011, has been reconsidered; however, the request for reconsideration is **DENIED** with respect to making any change in the patent adjustment determination under 35 U.S.C. § 154(b) of 318 days indicated in the decision of October 13, 2011.

BACKGROUND

On August 2, 2011, the above-identified application matured into U.S. Patent No. 7,991,588, with a revised patent term adjustment of 276 days. On Monday, October 3, 2011, patentee timely filed a request for reconsideration of patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 451. On October 13, 2011, the Office mailed a decision indicating the patent term adjustment is 318 days and affording Patentee with a 30 day/1 month period to contest the decision. Patentee timely filed the present petition on Monday, November 14, 2011.

Patentee maintains that the Office incorrectly calculated Office delay pursuant to 37 CFR 1.702(b). Patentee contends that the Office erred in subtracting from the "B delay" a period of time that was not "consumed by continued examination of the application." Specifically, Patentee argues that (after the filing of the request for continued examination) the Office mailed a Notice of Allowance on March 25, 2011, thereby closing examination of the application on that date. Thus, Patentee argues no continued examination took place during the 131 day period from March 25, 2011 (the mailing date of the Notice of Allowance) until August 2, 2011 (the date the patent was issued). As such, Patentee maintains that the "B delay" should include the 131 days and be increased from 0 to 141 days.

RELEVANT STATUTE AND REGULATION

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

> Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including –
>
> (i) any time consumed by continued examination of the application requested by the applicant under section 132(b);
>
> (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or

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

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

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

(1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);

(2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);

(3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;

(4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or

(5) Any delay in the processing of the application by the Office that was requested by the applicant.

Patentee's arguments have been considered, but not found persuasive. The Office calculated the period of "B delay" pursuant to 35 U.S.C. 154(b)(1)(B)(i) and 37 CFR 1.702(b)(1) as 0 days based on the application having been filed under 35 U.S.C. 111(a) on January 25, 2008 and the patent not having issued as of the day after the three year date, January 26, 2011, and a request for continued examination under 132(b) having been filed on January 24, 2011. In other words, the 131 day period beginning on the date of mailing of the notice of allowance to the date of issuance of the patent was considered time consumed by continued examination of an application under 35 U.S.C. 132(b) and was not included in the "B delay."

The Office's calculation of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued examination of the application at the request of the applicant under 35 U.S.C.

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

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

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[1] Pursuant to 35 U.S.C. 132(b) , 37 CFR 1.114 provides for continued examination of an application, as follows:

(a) If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:

(1) Payment of the issue fee, unless a petition under § 1.313 is granted;

(2) Abandonment of the application; or

(3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.

(b) Prosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application.

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

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

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

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

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by

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

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

Thus, not including "any time consumed by" means not including any days used to prosecute the application as specified in clauses (i)-(ii)[2]. Clause (i) specifies "any time consumed by continued examination of the application requested by the applicant under section 132(b)." Clause (ii) specifies "any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court." "Time" in the context of this legislation throughout refers to days. "Consumed by"

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

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[3] permit the filing of a request for continued examination under 37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

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

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

In this instance, a request for continued examination was filed on January 24, 2011, and the patent issued by virtue of that request on August 2, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on March 25, 2011 and ending on August 2, 2011 is not included in calculating Office delay.

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[3] Thus, on occasion, even where a request for continued examination has already been filed and a notice of allowance issued pursuant to that request, applicant may file a further request for continued examination.

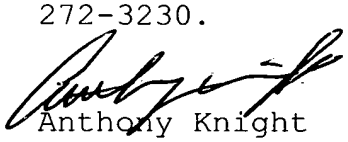
CONCLUSION

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

The patent term adjustment remains 318 days, as indicated in the decision of October 13, 2011. The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by three hundred eighteen (318) days.

Deposit account no. 06-1050 will be refunded the $200.00 petition fee submitted with the instant petition, as Patentee has previously paid the $200.00 petition fee on October 3, 2011.

Telephone inquiries specific to this matter should be directed to Shirene Willis Brantley, Senior Petitions Attorney, at (571) 272-3230.



Anthony Knight
Director, Office of Petitions

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(WEATHERFORD) WONG CABELLO LUTSCH RUTHERFORD & BRUCCULERI LLP
20333 TOMBALL PARKWAY, 6TH FLOOR
HOUSTON TX 77070

MAILED
MAR 30 2011
OFFICE OF PETITIONS

In re Application of	:	
Hearn et al.	:	DECISION ON APPLICATION
Application No. 12/020,366	:	FOR PATENT TERM ADJUSTMENT
Filed: 01/25/2008	:	
For: PLUNGER LIFT SYSTEM FOR WELL	:	

This letter is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT, filed on February 10, 2011, which is treated as a petition under 37 CFR 1.705(b). Applicants request that the initial determination of patent term adjustment under 35 U.S.C. § 154(b) be increased by 84 days from 174 days to 258 days.

The application for patent term adjustment is GRANTED.

The Office has updated the PALM and PAIR screens to reflect that the revised Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance is two hundred fifty-eight (258) days. A copy of the updated PAIR screen, showing the revised determination, is enclosed.

On February 3, 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 174 days (258 days of Office delay reduced by 84 days of applicant delay). The subject application for patent term adjustment was timely filed on February 10, 2011.[1]

[1] PALM records show that the Issue Fee has not been received as of the filing date of the subject petition.

Applicants dispute the reduction of 84 days, for the filing of a supplemental response, (in this case, an Information Disclosure Statement (IDS)) on March 31, 2010, 84 days after the filing of a reply on January 6, 2010. Applicants assert that the IDS contains the statement in accordance with 37 CFR 1.704(d) and should not be considered a failure to engage in reasonable efforts to conclude processing or examination.

Upon review, applicants' argument is well taken. A review of the official file reveals that the transmittal letter accompanying the IDS filed on March 31, 2010, includes the statement under 37 CFR 1.704(d). Accordingly, the entry of the period of reduction of 84 days is not warranted and will be removed.

In view thereof, the determination of PTA at the time of the mailing of the Notice of Allowance is updated to 258 days (258 days of PTO delay, reduced by 0 (84 - 84) days of Applicant delay).

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

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Revised PAIR Calculation

Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 12/020,366

Filing or 371(c) Date:	01-25-2008	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	258
A Delays:	258	PTO Manual Adjustments:	84
B Delays:	0	Applicant Delays:	84
C Delays:	0	Total PTA Adjustments:	258

Patent Term Adjustment History **Explanation Of Calculations**

Number	Date	Contents Description	PTO(Days)	APPL (Days)	Start
64	03-30-2011	Adjustment of PTA Calculation by PTO	84		0
50	02-03-2011	Mail Notice of Allowance			0
49	02-02-2011	Issue Revision Completed			0
48	02-02-2011	Document Verification			0
47	02-02-2011	Notice of Allowance Data Verification Completed			0
46	01-28-2011	Examiner's Amendment Communication			0
45	01-28-2011	Allowability Notice			0
42	12-27-2010	New or Additional Drawing Filed			0
41	01-06-2011	Date Forwarded to Examiner			0
40	12-27-2010	Response after Non-Final Action			0
39	09-27-2010	Mail Non-Final Rejection			0
38	09-24-2010	Non-Final Rejection			0
37	07-13-2010	Date Forwarded to Examiner			0
36	07-07-2010	Response after Non-Final Action			0
35	03-31-2010	Electronic Information Disclosure Statement		84	27
34	04-07-2010	Mail Non-Final Rejection			0
33	04-06-2010	Non-Final Rejection			0
32	03-31-2010	Information Disclosure Statement considered			0
31	03-31-2010	Information Disclosure Statement (IDS) Filed			0
30	03-06-2008	Information Disclosure Statement considered			0
29	01-31-2008	Information Disclosure Statement considered			0
28	02-08-2010	Date Forwarded to Examiner			0
27	01-06-2010	Response to Election / Restriction Filed			0
26	12-08-2009	Mail Restriction Requirement	258		0.5
25	12-07-2009	Restriction/Election Requirement			0
24	07-30-2009	PG-Pub Issue Notification			0
23	07-28-2008	Case Docketed to Examiner in GAU			0
22	01-31-2008	Information Disclosure Statement (IDS) Filed			0
21	06-25-2008	IFW TSS Processing by Tech Center Complete			0
20	03-06-2008	Electronic Information Disclosure Statement			0
19	02-15-2008	Preliminary Amendment			0
18	01-31-2008	Electronic Information Disclosure Statement			0
17	04-12-2008	Application Dispatched from OIPE			0
16	03-14-2008	Sent to Classification Contractor			0
15	03-14-2008	Filing Receipt - Updated			0
14	03-14-2008	Application Is Now Complete			0
13	03-05-2008	Additional Application Filing Fees			0
12	03-05-2008	Ommited Drawings. Applicant has Petitioned that the Filing Date not be changed and the Petition has			0
11	03-06-2008	Information Disclosure Statement (IDS) Filed			0
10	02-28-2008	Notice of Incomplete Reply			0

9	02-15-2008	Ommited Drawings. Applicant has Petitioned that the Filing Date not be changed and the Petition has	0
8	01-25-2008	A document that contains, at least in part, a written description of an invention, and of the manne	0
7	02-15-2008	Additional Application Filing Fees	0
5	02-11-2008	Filing Receipt	0
4	02-11-2008	Notice of Omitted Items	0
3	02-01-2008	Cleared by OIPE CSR	0
2	01-26-2008	IFW Scan & PACR Auto Security Review	0
1	01-25-2008	Initial Exam Team nn	0
0.5	01-25-2008	Filing date	0

Close Window

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20333 TOMBALL PARKWAY, 6TH FLOOR
HOUSTON TX 77070

MAILED
JUL 25 2011
OFFICE OF PETITIONS

In re Patent No. 7,954,545	: DECISION ON REQUEST
Hearn et al.	: FOR
Issue Date: 06/07/2011	: RECONSIDERATION OF
Application No. 12/020,366	: PATENT TERM ADJUSTMENT
Filing or 371(c) Date: 01/25/2008	: and
Atty Docket No.	: NOTICE OF INTENT TO ISSUE
205-0067US	: CERTIFICATE OF CORRECTION

This is a decision on the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT, filed on June 8, 2011, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by three hundred ninety-one (391) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by three hundred ninety-one (391) days is **GRANTED**.

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 **three hundred ninety-one (391)** days.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,954,545 B2

DATED : **June. 7, 2011** **DRAFT**

INVENTOR(S) : Hearn 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 384 days.

Delete the phrase "by 384 days" and insert – by 391 days--

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAILED

NOV 30 2010

OFFICE OF PETITIONS

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

In re Application of :
Uwe Hodel et al :
Application No. 12/020,386 : ON PETITION
Filed: January 25, 2008 :
Attorney Docket No. INF 2007 P 52816 US

This is a decision on the petition, filed November 29, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 12, 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 2818 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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MORGAN, LEWIS & BOCKIUS, LLP (SF)
ONE MARKET SPEAR STREET TOWER
SAN FRANCISCO CA 94105

MAILED
JUN 14 2011
OFFICE OF PETITIONS

In re Application of :
LAZAR et al. :
Application No. 12/020,443 : DECISION ON PETITIONS
Filed: January 25, 2008 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 067461-5032-US06 :

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed May 10, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed 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.

In regards to item (3), 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) require 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. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §§1.78(a)(3) and 1.78(a))(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

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 Jose' G Dees at (571) 272-1569. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1644 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.

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
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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
12/020,443	01/25/2008	1644	2504	067461-5032-US06	21	3

CONFIRMATION NO. 1957

67374
MORGAN, LEWIS & BOCKIUS, LLP (SF)
ONE MARKET SPEAR STREET TOWER
SAN FRANCISCO, CA 94105

CORRECTED FILING RECEIPT

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)

Gregory Alan Lazar, Arcadia, CA;
Sher Bahadur Karki, Pomona, CA;

Assignment For Published Patent Application

Xencor, Inc., Monrovia, CA

Power of Attorney: The patent practitioners associated with Customer Number 67374

Domestic Priority data as claimed by applicant

This application is a CIP of 11/396,495 03/31/2006 ABN
and claims benefit of 60/886,635 01/25/2007
and is a CIP of 11/256,060 10/21/2005 ABN
which claims benefit of 60/621,387 10/21/2004
and claims benefit of 60/629,068 11/18/2004
and claims benefit of 60/652,968 02/14/2005
and claims benefit of 60/659,004 03/03/2005

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

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

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/020,443**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

NOVEL IMMUNOGLOBULIN INSERTIONS, DELETIONS AND SUBSTITUTIONS

Preliminary Class

530

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
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August 31, 2011

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

In re Application of	:	
Kim, Jin Go et, al	:	**DECISION ON PETITION**
Application No. 12/020,503	:	
Filed: 01/24/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 61288/J257	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 20, 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

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ABSOLUTE TECHNOLOGY LAW GROUP LLC
135 W. WELLS STREET, SUITE 518
MILWAUKEE, WI 53203

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Application of :
Timothy W. KOTRAS, et *al.* :
Application No. 12/020,511 :
Filed: January 25, 2008 :
Attorney Docket No. **KOTRAS-CONV-0108** :

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 25, 2010.

The request is **APPROVED**.

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

The request was signed by Jill G. Welytok on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the first named signing inventor at the address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed June 23, 2010 that requires a reply from the applicant.

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

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

cc: **TIMOTHY KOTRAS**
1019 RIVER PARK DRIVE
WAUKESHA, WI 53189

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	12020520
Filing Date	26-Jan-2008
First Named Inventor	Hesheng ZHANG
Art Unit	1614
Examiner Name	NELSON BLAKELY III
Attorney Docket Number	TJHM-00201-UUS
Title	HUPERZINE A AND ITS DERIVATIVES AS ANALGESIC AGENTS

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	/Matthias Scholl/
Name	Matthias Scholl
Registration Number	54947

UNITED STATES 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 25,2011

In re Application of :

Hesheng ZHANG

Application No : 12020520

Filed : 26-Jan-2008

Attorney Docket No : TJHM-00201-UUS

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed August 25,2011 , to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

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

This application file is being directed to the Office of Data Management.

Office of Petitions

UNITED STATES 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

NOV 22 2010

OFFICE OF PETITIONS

In re Application of :

KHEMANI Prakash et al. :
Application No. 12/020,649 : DECISION ON PETITION
Filed: January 28, 2008 : TO WITHDRAW
Attorney Docket No. **2006579-0645 (CTX-174DV1)** : 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 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

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

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

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

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **FOLEY & LARDNER LLP**
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON, MA 02199-7610

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DEC 08 2010

OFFICE OF PETITIONS

COWAN LIEBOWITZ & LATMAN PC
JOHN J TORRENTE
1133 AVE OF THE AMERICAS
NEW YORK NY 10036

In re Application of :
Inoue :
Application No. 12/020,702 : ON PETITION
Filed: January 28, 2008 :
Attorney Docket No. B588-354 :

This is in response to petition to revive an unintentionally abandoned application 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 proper response to the final Office action mailed March 2, 2010, which set a shortened statutory period for reply of three (3) months. Applicant filed an Amendment on September 2, 2010, made timely by obtaining a three month extension of time. However, the Amendment failed to place the application in condition for allowance. As such, the application became abandoned on September 3, 2010. The Office mailed a Notice of Abandonment on September 15, 2010.

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

Please be advised that the two month period for filing an appeal brief (accompanied by the fee required by 37 CFR 1.17(c)) runs from the date of this decision.

The application is being forwarded to Group Art Unit 3653 to await applicants' submission of the Appeal Brief.

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

Cliff Congo
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6/15/2011

TO SPE OF : ART UNIT 3694

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/620809 Patent No.: 7949586B2

CofC mailroom date: 6/8/2011

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: _____

_____

Virginia Tolbert

Certificates of Correction Branch

(571) 272-0460

Thank You For Your Assistance

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

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

Comments: The correction is acceptable. Please make the correction.

/Kambiz Abdi/
SPE

3694
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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Chrysler Group LLC
CIMS 483-02-19
800 CHRYSLER DR EAST
AUBURN HILLS MI 48326-2757

MAILED
MAR 26 2012
OFFICE OF PETITIONS

In re Application of

Sharp, et al. :

Application No. 12/020,825

: DECISION ON PETITION

Filed: January 28, 2008

:

Attorney Docket No. **707846US1**

This is a decision on the petition under 37 CFR 1.137(b), February 23, 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 final Office action mailed November 22, 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 February 23, 2011. A Notice of Abandonment was mailed February 23, 2012.

The appeal brief filed February 23, 2012

The application is being forwarded to Technology Center GAU 3747 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.
12/020,833	01/28/2008	Masayasu MIZOBUCHI	Q105625	2744

23373 7590 11/05/2010

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
LI, CE LI	

ART UNIT	PAPER NUMBER
3661	

NOTIFICATION DATE	DELIVERY MODE
11/05/2010	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 5 2010

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re application of Mizobuchi et al. Application No. 12/020,833 Filed: January 28, 2008 For: AUTOMATIC TRANSMISSION ABNORMALITY DIAGNOSIS APPARATUS AND METHOD	:	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 04, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the preliminary amendment filed October 04, 2010. 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

BM/BM: 11/03/10

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Holme Roberts & Owen LLP-Client-1
1700 Lincoln Street, Suite 4100
Denver CO 80203

MAILED

DEC 27 2010

OFFICE OF PETITIONS

In re Application of :
David R. Hall et al. :
Application No. 12/020,924 : DECISION ON PETITION
Filed: January 28, 2008 :
Attorney Docket No. 85.0227 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 9, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed April 27, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 28 2010. A Notice of Abandonment was mailed on November 3, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election and amendment, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly the election and amendment is accepted as being unintentionally delayed.

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

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

This application is being referred to Technology Center AU 3672 for appropriate action by the Examiner in the normal course of business on the reply received November 9, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Holme Roberts & Owen LLP-Client-1
1700 Lincoln Street, Suite 4100
Denver CO 80203

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DEC 2 7 2010

OFFICE OF PETITIONS

In re Application of :
David R. Hall et al. :
Application No. 12/020,924 : DECISION ON PETITION
Filed: January 28, 2008 :
Attorney Docket No. 85.0227 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed June 3, 2010. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

The petition is **GRANTED**.

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

This file is being forwarded to Technology Center 3672.

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

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

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NOV 22 2010

OFFICE OF PETITIONS

In re Application of :

KHEMANI Prakash et al. :
Application No. 12/020,963 : DECISION ON PETITION
Filed: January 28, 2008 : TO WITHDRAW
Attorney Docket No. **2006579-0646 (CTX-174DV2)** : 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 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

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

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

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

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **FOLEY & LARDNER LLP**
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON, MA 02199-7610

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BOSE CORPORATION
PATENT GROUP
THE MOUNTAIN, MS 40
FRAMINGHAM MA 01701

MAILED

JAN 17 2012

OFFICE OF PETITIONS

In re Application of
Robert Preston Parker et al.
Application No. 12/020,978
Filed: February 21, 2008
Attorney Docket Number: B160-US

ON PETITION

This is a decision on the petition filed February 21, 2008 under 37 CFR 1.182, in response to the Notice to File Missing Parts mailed February 11, 2008.

The application was filed January 28, 2008 but on February 11, 2008, the Office of Data Management mailed a Notice to File Missing Parts of Nonprovisional Application stating that the application had been accorded a filing date but that Figure 4G described in the specification appeared to have been omitted from the application.

In response, the present petition was filed with a copy of Figure 4G, as described in the specification and an executed oath. Petitioner neither admits nor denies that Figure 4G, as described in the specification, was inadvertently not included with the other application papers upon filing on January 28, 2011 but requests the filing date be changed to the date of receipt of the previously omitted items.

An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the "Notice of Omitted Items" (37 CFR 1.181(f)).

Accordingly, the petition is **GRANTED** and in accordance with applicant's request, the application has been processed and examined with a filing date of February 21, 2008, the date of receipt of the omitted drawing figure, using the papers filed on January 28, 2008 and the drawings previously omitted but submitted with the petition.

This matter is being referred to Technology Center 2832 for further examination.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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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SEP 07 2010

OFFICE OF PETITIONS

Holme Roberts & Owen LLP-Client-1
1700 Lincoln Street, Suite 4100
Denver CO 80203

In re Application of
Hall, et al.
Application No. 12/021,019
Filed: January 28, 2008
Atty. Dkt. No.: 85.0229

: DECISION ON PETITION

This is in response to the paper filed April 27, 2010 under 37 CFR 1.27(c) seeking status as a small entity.

The statement claiming small entity status has been made of record and small entity status has been accorded.

The application file is being forwarded to the Group Art Unit 3672 for further action.

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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ALEXANDRIA, VA 22313-1450
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SEP 21 2010

OFFICE OF PETITIONS

Holme Roberts & Owen LLP-Client-1
1700 Lincoln Street, Suite 4100
Denver CO 80203

In re Application of
Hall, et al.
Application No. 12/021,019
Filed: January 28, 2008
Atty. Dkt. No.: 85.0229

: DECISION ON PETITION

This decision is in response to the paper filed April 27, 2010 under 37 CFR 1.28(g)(2) requesting that status as a Small Entity be removed. This decision corrects the decision mailed September 7, 2010.

In accordance with the request, status as a Small Entity has been removed.

The application file is being forwarded to the Group Art Unit 3672 for further action.

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

UNITED STATES 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.

JOSEPH R. CARVALKO, JR.
50 BEACH AVENUE
MILFORD CT 06460

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of :
Shapiro :
Application No. 12/021,060 :
Filed: January 28, 2008 : DECISION ON PETITION
Attorney Docket No. SHAPIRO-1-CIP : UNDER 37 C.F.R. § 1.137(B)
Title: SYSTEM AND METHOD FOR WARRANTING AGAINST PROPERTY INSPECTION CONTINGENCIES :

This is a decision on the petition filed May 13, 2010, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

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

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed July 6, 2009, which set a shortened statutory period for reply of three months. An after-final amendment was received on September 21, 2009, and an advisory action was mailed on January 27, 2010. No additional extensions of time under the provisions of 37 C.F.R § 1.136(a) were available, and no further responses were received. Accordingly, the above-identified application became abandoned on October 7, 2009. A notice of abandonment was mailed on May 10, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R.

§ 1.17(m);

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

(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner filed a Request for Continued Examination (RCE) along with the required fee, an amendment, the petition fee, and the proper statement of unintentional delay. The RCE has been accepted as the required reply under 37 C.F.R. § 1.137(b)(1).

As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114 – the amendment submitted on May 13, 2010 - can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[2] All other inquiries

---

1 See Rule 1.137(d).

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

concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : February 9, 2011

TO SPE OF : ART UNIT 3754 SPE Kevin P. Shaver .

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/021,115 Patent No.: 7,850,051 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Should the Related U.S. Application Data be added to the title page of patent as requested by applicant?
See COCIN dated 01-24-2011

Antonio Johnson

Certificates of Correction Branch
(571)272-0483

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

_____ _____ **SPE** _____ **Art Unit** 3754

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

MAILED

AUG 05 2010

OFFICE OF PETITIONS

In re Application of	:	
Dittrich et al.	:	DECISION ON PETITION
Application No. 12/021,127	:	TO WITHDRAW
Filed: January 28, 2008	:	FROM RECORD
Attorney Docket No. QIM 2006 P 52707 US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 17, 2010.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) was appointed by a specific designation, then the Request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request.

In the instant application, the practitioners were appointed via Customer Number. Therefore, requesting to withdraw without providing the Customer Number is not the appropriate course.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There is an outstanding Office action, mailed June 3, 2010, which requires a reply. Failure to timely and properly 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

UNITED STATES 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 22 2010

OFFICE OF PETITIONS

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

In re Application of :
Jeffrey F. Field et al :
Application No. 12/021,164 : DECISION ON PETITION
Filed: January 28, 2008 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 70057-00008 :

This is a decision on the petition, filed July 28, 2010 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 January 27, 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 accompanies this decision on petition.

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

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

This application is being referred to Technology Center AU 3767 for further processing.

Irvin Dingle
Petition Examiner
Office of Petitions

cc: John D. McConaghy
333 S. Grand Ave. #2300
Los Angeles, CA 90071

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/021,164	01/28/2008	Jeffrey F. Field	70057-00008

CONFIRMATION NO. 3405

58688
CONNOLLY BOVE LODGE & HUTZ LLP
P.O. BOX 2207
WILMINGTON, DE 19899

NONPUBLICATION RESCISSION LETTER

OC000000043605875

Date Mailed: 09/22/2010

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 12/30/2010.

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".

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE CA 94085

MAILED

JUL 14 2011

OFFICE OF PETITIONS

In re Application of :
Fang et al. :
Application No. 12/021,177 : DECISION GRANTING PETITION
Filed: January 28, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. LAM2P626 :

This is a decision on petition under 37 CFR 1.78(a)(3), filed June 20, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications as set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

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

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

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

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional 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); (2) the surcharge fee required by 37 CFR 1.17(t) has

been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional applications satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

Further, 37 CFR 1.78(a)(2)(ii) requires a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.78(a)(2)(ii), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.78(a)(2)(ii) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

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

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

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

This matter is being referred to Technology Center Art Unit 1716 for appropriate action on the amendment filed June 20, 2011, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional applications.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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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
12/021,177	01/28/2008	1716	1130	LAM2P626	22	2

CONFIRMATION NO. 3420

CORRECTED FILING RECEIPT

25920
MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

OC000000048750903

Date Mailed: 07/13/2011

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)

Tong Fang, Fremont, CA;
Yunsang Kim, Monte Sereno, CA;
Andrew D. Bailey III, Pleasanton, CA;
Olivier Rigoutat, Bethel, CT;
George Stojakovic, Wappingers Falls, NY;

Power of Attorney: The patent practitioners associated with Customer Number 25920

Domestic Priority data as claimed by applicant

This application is a CIP of 11/440,561 05/24/2006 PAT 7,909,960
which is a CIP of 11/237,327 09/27/2005

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

If Required, Foreign Filing License Granted: 02/12/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/021,177**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

GAS MODULATION TO CONTROL EDGE EXCLUSION IN A BEVEL EDGE ETCHING PLASMA CHAMBER

Preliminary Class

156

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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LIN & ASSOCIATES
INTELLECTUAL PROPERTY, INC.
PO BOX 2339
SARATOGA CA 95070-0339

MAILED
JAN 26 2012
OFFICE OF PETITIONS

In re Application of :
Kai-Shon Tsai :
Application No. 12/021,309 : ON PETITION
Filed: 01/29/2008 :
Attorney Docket Number: 08109URS :

This is in response to the petition under 37 CFR 1.84(a)(2), filed April 17, 2008, for acceptance of color drawings.

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 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

(i) The fee set forth in 1.17(h);

(ii) Three (3) sets of color drawings;[1]

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

[1] The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

> 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.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Petitioner asserts that color drawings are the only practical medium by which to disclose the subject matter sought to be patented. The Office has determined, however, that color drawings are not the only practical medium by which to disclose the subject matter sought to be patented, and are not necessary for an understanding of the invention.

It is further noted that the application is abandoned.

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

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

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

Douglas I. Wood
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.
12/021,415	01/29/2008	THOMAS E. ALLEN	M4605.021	3839

7590 03/05/2012

Molly D McKay, P.C.
2301 S Sheridan-Suite A
Tulsa, OK 74129

EXAMINER	
SORKIN, DAVID L	

ART UNIT	PAPER NUMBER
1774	

NOTIFICATION DATE	DELIVERY MODE
03/05/2012	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Doc Code: PET.PTA.RCAL
Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)
Approved for use through 02/28/2011. OMB 0651-0020
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Attorney Docket Number: TI-36918.1	Patent Number: 7,661,049
Filing Date (or 371(b) or (f) Date): 01-29-2008	Issue Date: 02/09/2010
First Named Inventor: Lee D. Whetsel	
Title: INTEGRATED CIRCUIT WITH JTAG PORT, TAP LINKING MODULE, AND OFF-CHIP TAP INTERFACE PORT	

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

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

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

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

Signature / Wade J. Brady III /	Date August 2, 2010
Name (Print/Typed) Wade J. Brady III	Registration Number 32,080

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

☑ *Total of 1 forms are submitted.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 08/12/2010

Applicant	: Lee D. Whetsel	: DECISION ON REQUEST FOR
Patent Number	: 7661049	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/021,582	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/29/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **36** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1/30/2012

TO SPE OF : ART UNIT 2472 Kizou Hassan

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/021605 Patent No.: 8027310

CofC mailroom date: 1/20/2012

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: _____

_____

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: _____

_____

_____

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SPE

2472
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : June 16,2011

In re Application of :

Kazuhiro YAMAMORI

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12021780

Filed : 29-Jan-2008

Attorney Docket No : 321282US2

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed June 16,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid 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	12021780
Filing Date	29-Jan-2008
First Named Inventor	Kazuhiro YAMAMORI
Art Unit	2814
Examiner Name	SUIAN TANG
Attorney Docket Number	321282US2
Title	STACKED SEMICONDUCTOR DEVICE AND METHOD OF MANUFACTURING THE SAME

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

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

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

Petition Fee

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

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

☐ Applicant(s) status remains as SMALL ENTITY.

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

Reason for withdrawal from issue

○ One or more claims are unpatentable ◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees) ○ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).	
RCE request,submission, and fee. ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on ☒ Are attached.	
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES I certify, in accordance with 37 CFR 1.4(d)(4) that I am: ◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application. ○ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity. ○ A sole inventor ○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors ○ A joint inventor; all of whom are signing this e-petition ○ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71	
Signature	/Carl E. Schlier/
Name	Carl E. Schlier
Registration Number	34426

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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RICHARD A. SCHNURR
ICE MILLER LLP
SUITE 3500
200 WEST MADISON STREET
CHICAGO IL 60606

MAILED

AUG 26 2011

OFFICE OF PETITIONS

In re Application of	:	
Suh et al.	:	
Application No. 12/021,808	:	DECISION ON PETITION
Filed: January 29, 2008	:	
Attorney Docket No. P01508-US-01 (00684.6300)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 27, 2011 and the Supplemental petition filed July 29, 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 6, 2011, as required by the Notice of Allowance and Fee(s) Due mailed April 6, 2011. Accordingly, the date of abandonment of this application is July 7, 2011. A Notice of Abandonment was mailed July 21, 2011.

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

Additionally, petitioner has submitted an unnecessary duplicate $810.00 petition fee. This fee will be refunded to petitioner's deposit account in due course.

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

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RABIN & BERDO, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

MAILED

OCT 21 2011

OFFICE OF PETITIONS

In re Application of	:	
Ryousuke Asaoka	:	
Application No. 12/021,890	:	DECISION GRANTING PETITION
Filed: January 29, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. YAM-177	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 21, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 20, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 3655 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

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
12/021908	01/29/08	Kazuo Okada	KAJ.014.0021.NP

DATE MAILED: October 04, 2011

NDQ&M WATCHSTONE LLP
300 NEW JERSEY AVENUE, NW
FIFTH FLOOR
WASHINGTON DC 20001

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:

- [X] The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
- [ ] The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- [ ] The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (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.
- [ ] The petition for express abandonment under 1.138(d) is dismissed because the request was filed after the 2 month time period. A grantable petition under 37 CFR 1.183 must be filed to waive the 2 month time period.

Any inquiries concerning this decision 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
www.uspto.gov

MOORE & VAN ALLEN PLLC
P.O. BOX 13706
RESEARCH TRIANGLE PARK NC 27709

MAILED

SEP 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Kadiks et al.	:	
Application No. 12/021,937	:	DECISION ON PETITION
Filed: January 29, 2008	:	
Attorney Docket No. 026785-000117	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 6, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed February 12, 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 timely obtained. Accordingly, the application became abandoned on April 13, 2008. A Notice of Abandonment was mailed October 20, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) an Oath or Declaration, Surcharge fee of $130.00 and Replacement Drawings, (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay.

Additionally, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $2,350.00, five- month extension of time fee submitted with the petition on November 6, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's deposit account in due course.

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

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

Joan Olszewski
Petition 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

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

MAILED
JAN 26 2012
OFFICE OF PETITIONS

In re Patent No. 7,818,140 :
Issue Date: October 19, 2010 :
Application No. 12/021,972 : DECISION ON PETITION
Filed: January 29, 2008 :
Attorney Docket No. **12958-40 (06ZFM001)** :

This is a decision on the petition under 37 CFR 1.182, filed December 21, 2011, requesting issuance of duplicate Letters of Patent for the above-identified patent.

The petition is **granted**.

The file record discloses that the instant application matured into U.S. Patent No. 7,818,140 on October 19, 2010. Petitioner requests duplicate Letters of Patent be issued.

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

The petition fee of $400.00 was received on December 21, 2011.

Any questions concerning this decision may be directed to the undersigned at (571)272-3222. Any questions concerning issuance of the duplicate Letter of Patent should be directed to the Office of Data Management.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
Kimberly Terrell—Office of Data Management FAX: 571-270-9958

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
12/021991	01/29/08	Kazuo Okada	KAJ.014.0022.NP

DATE MAILED: October 04, 2011

NDQ&M WATCHSTONE LLP
300 NEW JERSEY AVENUE, NW
FIFTH FLOOR
WASHINGTON DC 20001

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:

- ☒ 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).
- ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (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.
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the request was filed after the 2 month time period. A grantable petition under 37 CFR 1.183 must be filed to waive the 2 month time period.

Any inquiries concerning this decision 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
www.uspto.gov

LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

MAILED

OCT 17 2011

OFFICE OF PETITIONS

In re Application of :
Yutaka Yoneda et al :
Application No. 12/021,993 : DECISION GRANTING PETITION
Filed: January 29, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 4554-044 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 17, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 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 2625 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.*

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	12022010
Filing Date	29-Jan-2008
First Named Inventor	Keisuke Kimura
Art Unit	3653
Examiner Name	JEREMY SEVERSON
Attorney Docket Number	4554-045
Title	SHEET FEEDING DEVICE AND SKEW DETECTING 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	/Benjamin J. Hauptman/
Name	Benjamin J. Hauptman
Registration Number	29310

UNITED STATES 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 5, 2012

In re Application of :

Keisuke Kimura

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12022010

Filed : 29-Jan-2008

Attorney Docket No : 4554-045

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed January 5, 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 3653 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : August 12,2011

In re Application of :

Steven Irby

Application No : 12022026

Filed : 29-Jan-2008

Attorney Docket No : 7560-182

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed August 12,2011 , to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

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

This application file is being directed to the Office of Data Management.

Office of Petitions

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

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12022026
Filing Date	29-Jan-2008
First Named Inventor	Steven Irby
Art Unit	2614
Examiner Name	HUYEN LE
Attorney Docket Number	7560-182
Title	ULTRA LOW FREQUENCY TRANSDUCER AND LOUD SPEAKER COMPRISING 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.

Issue Fee and Publication Fee :

Issue Fee and Publication Fee are not due.

☒ Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

◉ Drawing corrections and/ or other deficiencies are not required

○ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on

○ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

○ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

○ A sole inventor

○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.

○ A joint inventor; all of whom are signing this e-petition.

○ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Mary M. Lee/
Name	Mary M. Lee
Registration Number	31976

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Black Lowe & Graham, PLLC
701 Fifth Avenue
Suite 4800
Seattle, WA 98104

MAILED

SEP 2 1 2010

OFFICE OF PETITIONS

In re Application of :
Charles A. Carey, et. al. :
Application No. 12/022,027 : ON PETITION
Filed: January 29, 2008 :
Attorney Docket No. AOLM-1-1010 :

This is a decision on the petition under 37 CFR 1.137(b), filed August 18, 2010, to revive the above-identified application.

The application became abandoned for failure to file a reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed on February 13, 2008. A Notice of Abandonment was mailed October 22, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $330 for the basic filing fee, $540 for the search fee, $220 for the examination fee, $130 for the late filing surcharge, an executed supplemental Application Data Sheet and an executed Oath/Declaration; (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 the Office of Patent Application Processing for further processing in accordance with this decision.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
AUG 22 2011
OFFICE OF PETITIONS

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

In re Application of :
Yoshiteru TAKESHIMA et al. : ON PETITION
Application No. 12/022225 :
Filed: January 30, 2008 :
Atty. Docket No.: 566.48453X00

This is a decision on the petition, filed February 20, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the final Office action mailed May 13, 2010, which set a shortened statutory period for reply of three (3) months. A 3 month extension of time under the provisions of 37 CFR 1.136(a) was obtained. A Notice of Abandonment was mailed December 22, 2010.

Petitioner asserts that a response to the final Office action was filed November 15, 2010, said response including a conditional Request for Continued Examination (RCE) and authorization for charging RCE fee. A review of the record shows a response was filed on November 15, 2010, and included a conditional RCE, authorization for RCE fee, and the submission required under 37 CFR 1.114.

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

In accordance with petitioner's instructions, the deposit account will be charged $810 for the RCE fee.

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

The application file will be referred to Technology Center Art Unit 2493 for further action on the filed Response.

/Ramesh Krishnamurthy/

for Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LEXMARK INTERNATIONAL, INC.
INTELLECTUAL PROPERTY LAW DEPARTMENT
740 WEST NEW CIRCLE ROAD
BLDG. 082-1
LEXINGTON KY 40550-0999

MAILED

MAY 24 2011

OFFICE OF PETITIONS

In re Application of :
Daniel L. Carter et al. :
Application No. 12/022,231 : ON PETITION
Filed: January 30, 2008 :
Attorney Docket No. **2007 -0318.01** :

This is a decision on the petition filed May 12, 2011, to revive the above identified application under 37 CFR 1.137(b)[1].

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

This application became abandoned July 21, 2010, for failure to file a timely response to the Office action in accordance with *Ex parte Quayle*,[2] mailed on May 20, 2010, which set a two (2) month period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed January 12, 2011.

The petition fee in the amount of $1620.00 has been charged to deposit account no. 12-1213.

The amendment in response to the Office Action mailed May 12, 2011 will be referred to Technology Center 2884 for further processing.

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

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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 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)).

[2]1935 C.D. 11, 453 O.G. 213.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 4-27-11 Paper No.: _____

TO SPE OF : ART UNIT 2617

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/022303 Patent No.: 7983683

CofC mailroom date: 4-B-11

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

FOR IFW FILES: Should CofC be approved

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

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

FOR PAPER FILES:

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

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

E Yang
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: _____

Kent Chang
SPE

2617
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CONVATEC INC.
100 HEADQUARTERS PARK DRIVE
SKILLMAN NJ 08558

In re Application of
CLINE, JOHN B. et al. :
Application No. 12/022,335 :
Filed: January 30, 2008 :
Attorney Docket No.: CV0329DIV :

NOV 18 2010

DECISION ON PETITION

This is a decision on the Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action, received in the United States Patent and Trademark Office (USPTO) on December 9, 2009.

The petition is **GRANTED**.

The application was held abandoned for failure to timely submit the Issue fee and Publication fee as required by the Notice of Allowance, mailed August 20, 2009 which set forth a three (3) month statutory period for reply. The Notice of Abandonment was mailed on December 3, 2009.

Petitioner attests that the Notice of Allowance and Fees due mailed on August 20, 2009 was not received. Petitioner submitted a copy of the docketing record for this application as documentary proof of non- receipt. Petitioner also included a statement that the Notice was not received at the correspondence address of record.

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

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

Best Available Copy

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12-01-11

TO SPE OF : ART UNIT 3767

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/022413 Patent No.: 8038709

CofC mailroom date: 11-16-11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: _____

_____

A. Green

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.

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

Comments: _____

SPE Kevin C. Sirmons Art Unit 3767

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

MAILED

APR 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Masaki Iijima, et al.	:	
Application No. 12/022,468	:	DECISION GRANTING PETITION
Filed: January 30, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 072748	:	

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 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 should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1776 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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

UNITED STATES 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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WALL & TONG, LLP/
ALCATEL-LUCENT USA INC.
25 JAMES WAY
EATONTOWN, NJ 07724

MAILED

JAN 05 2011

OFFICE OF PETITIONS

In re Application of :
Tapan CHAKRABORTY, et *al.* :
Application No. 12/022,523 : DECISION GRANTING PETITION
Filed: January 30, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **16-8-16-5-14** :
(ALU/129671)

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 10, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2117 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

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Alexandria, VA 22313-1450
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DEERE & COMPANY
ONE JOHN DEERE PLACE
MOLINE IL 61265

MAILED
OCT 11 2011
OFFICE OF PETITIONS

In re Application of :
Braun et al. :
Application No. 12/022535 : ON PETITION
Filing or 371(c) Date: 01/30/2008 :
Attorney Docket Number: 17981-US :

This is a decision on the petition to revive the above-identified application under the unintentional provisions of 37 CFR 1.137(b), filed September 20, 2011.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 2, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Applicant filed a reply and extension of time on September 2, 2011; however the reply failed to place the application in condition for allowance. Accordingly, the date of abandonment of this application is September 3, 2011.

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

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

This application is being referred to Technology Center AU 3618 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment filed July 25, 2011, in accordance with 37 CFR 1.114.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/022,558	01/30/2008	Toru Miyazaki	008312-0367851	5870

7590 04/06/2012

Pillsbury Winthrop Shaw Pittman, LLP (NV)
PO Box 10500
McLean, VA 22102

EXAMINER	
MAUNG, THOMAS H	

ART UNIT	PAPER NUMBER
4155	

NOTIFICATION DATE	DELIVERY MODE
04/06/2012	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

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

In re Patent No. 8,024,316
Issued: September 20, 2011
Application No. 12/022,577
Filed: January 30, 2008
Attorney Docket No. 16113-0878001

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

This is a decision on the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d) filed on November 21, 2011, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted from 343 to 476 days.

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

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

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

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

Patentees dispute the reduction of 25 days for the response filed September 1, 2010. The USPTO mailed a non-Final Office Action to the applicants on May 7, 2010, setting a shortened statutory period of three months to reply. The three month response date fell on August 7, 2010, which was a weekend. The applicants filed a response to the Office Action on August 9, 2010, and argues that the period of delay should be calculated from August 9, 2010, the next business day.

In Arqule v. Kappos, _ F.Supp.2d _ (D.D.C. 2011), the District Court of the District of Columbia ruled that the 35 U.S.C. § 21 (b) "weekend and holiday" exception applies to "any action" including the § 154(b)(2)(C) Accordingly, because August 7, 2010 was a

weekend, the time period to calculate Applicant delay commenced on August 9, 2010 rather than August 7, 2010. Therefore, a delay of 25 days was accrued, corresponding to the time period between August 7, 2010 (three months after the mailing date of the Office Action, in accordance with 37 CFR §1.704(b)) and September 1, 2010. Applicants respectfully request the Office to remove the 25 days of Applicant delay and correct the total Applicant delay from 25 days to 23 days as it relates to 37 CFR §1.704(b)).

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

Thus, instead of a 25 day reduction for applicant delay pursuant to 37 C.F.R. §1.704(b), 23 days should have been accorded for applicant delay. Accordingly, the period of reduction of 25 days is being removed and a period of reduction of 23 days is being entered.

In view of the periods of Applicant Delay detailed above, the total Applicant Delay for this patent should be calculated as 114 days (i.e., the sum of 23 days and 91 days).

Patentee also maintains that the Office incorrectly calculated Office delay pursuant to 37 CFR 1.702(b). Patentee contends that the Office erred in subtracting from the "B delay" a period of time that was not "consumed by continued examination of the application." Specifically, Patentee argues that (after the filing of the request for continued examination) the Office mailed a Notice of Allowance on May 13, 2011, thereby closing examination of the application on that date. Thus, Patentee argues no continued examination took place during the 131 day period from May 13, 2011 (the mailing date of the Notice of Allowance) until September 20, 2011 (the date the patent was issued). As such, Patentee maintains that the "B delay" should include the 131 days and be increased from 343 to 476 days.

Patentee concludes that the correct patent term adjustment is 476 days (the sum of 403 days of "A delay" and 187 days of "B delay" minus 114 days of Applicant delay).

RELEVANT STATUTE AND REGULATIONS

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

Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States,

not including —

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

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

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

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

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

(1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);

(2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);

(3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;

(4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or

(5) Any delay in the processing of the application by the Office that was requested by the applicant.

OPINION

Patentee's arguments have been considered, but not found persuasive. The Office calculated the period of "B delay" pursuant to 35 U.S.C. 154(b)(1)(B)(i) and 37 CFR 1.702(b)(1) as 343 days based on the application having been filed under 35 U.S.C. 111(a) on January 30, 2008 and the patent not having issued as of the day after the three year date, January 30, 2011, and a request for continued examination under 132(b) having been filed on March 28, 2011 and May 5, 2011. In other words, the 131-day period beginning on the date of mailing of the notice of allowance to the date of issuance of the patent was considered time consumed by continued examination of an application under 35 U.S.C. 132(b) and was not included in the "B delay."

The Office's calculation of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued

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

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

Patentee's argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory

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[1] Pursuant to 35 U.S.C. 132(b) , 37 CFR 1.114 provides for continued examination of an application, as follows:

(a) If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:

(1) Payment of the issue fee, unless a petition under § 1.313 is granted;

(2) Abandonment of the application; or

(3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.

(b) Prosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application.

language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

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

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

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

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, 580 F.Supp.2d 138, 88 U.S.P.Q.2d 1538 (D.D.C., September 30, 2008), because the clock for calculating the 20-year patent term begins to run on the filing

date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

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

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

The "time consumed by" or used in the course of the continued examination of the application requested by the applicant under section 132(b) does not end until

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

issuance of the patent. 35 U.S.C. 132(b) was enacted under the same title, the "American Inventors Protection Act of 1999," as 35 U.S.C. 154(b). Section 4403 of the AIPA amended 35 U.S.C. § 132 to provide, at the request of the applicant, for continued examination of an application for a fee (request for continued examination or RCE practice), without requiring the applicant to file a continuing application under 37 CFR 1.53(b) or a continued prosecution application (CPA) under 37 CFR 1.53(d). Thus, clause (i) is different from clause (ii) in that clause (i) refers to an examination process whereas clause (ii) refers to time consumed by proceedings (interferences, secrecy orders and appeals) in an application.

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

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

previously been issued for the application. See In re Drawbaugh, 9 App. D.C. 219, 240 (D.C. Cir 1896).

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is pending before the USPTO (i.e., until a patent is granted or the application is abandoned). See 37 CFR 1.56(a) ("[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned"). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures[3] permit the filing of a request for continued examination under 37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

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

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

In this instance, a request for continued examination was filed on March 28, 2011, and the patent issued by virtue of that request on September 20, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on March 28, 2011 and ending on September 20, 2011 is not included in calculating Office delay.

---

[3] Thus, on occasion, even where a request for continued examination has already been filed and a notice of allowance issued pursuant to that request, applicant may file a further request for continued examination.

CONCLUSION

As such, the patent term adjustment is 345 days (403 "A delay" days plus 56 "B delay" days minus 114 Applicant delay days), not 476 days.

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

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

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **three hundred forty-five (345)** days.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 8,024,316 B2

DATED : September 20, 2011

INVENTOR(S) : Ashutosh Garg

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

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (343) days

Delete the phrase "by 343 days" and insert – by 345 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MILSTEIN ZHANG & WU LLC
2000 Commonwealth Avenue,
Suite 400
NEWTON MA 02466-2004

MAILED

JAN 12 2012

OFFICE OF PETITIONS

In re Application of :
Wang et al. : DECISION ON PETITION
Application No. 12/022,624 :
Filed: January 30, 2008 :
Atty Docket No. CIT-4826 :

This is a decision on the PETITION TO REVIVE UNDER 37 CFR 1.137(b) filed December 16, 2011.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed February 28, 2011. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply timely filed and no extension of time obtained, the application became abandoned effective May 29, 2011. A courtesy Notice of Abandonment was mailed on October 17, 2011.

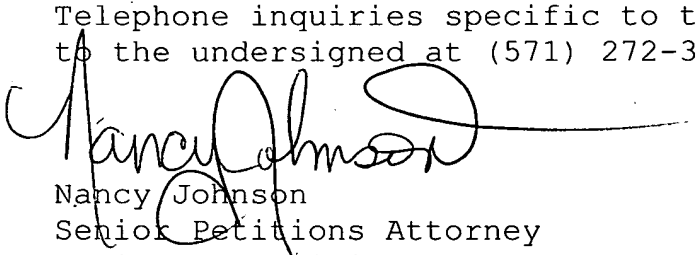
Preliminarily, it is noted that applicant states that the abandonment was due to the apparent non-receipt of the Office action. However, applicant does not provide the required showing to establish non-receipt. The practitioner states that a diligent search of the file maintained for this matter showed neither the Office action nor a record of receipt. However, the petition does not include the docket records, including the master docket, showing where the Office action would have been entered had it been received. Further, there is no description of the docketing system to support a conclusion that the system was reliable. Alternatively, the record on its face does not provide any evidence of any irregularity in the mailing of the

Office action. That is, the record supports a conclusion that the Office action was properly mailed to the correspondence address of record. Thus, there is no basis for withdrawing the holding of abandonment for no-fee (in lieu of reviving the application for a fee).

Nonetheless, the requirements for revival pursuant to 37 CFR 1.137(b) have been met. The petition includes the required reply, the statement of unintentional delay and payment of the petition fee. No terminal disclaimer is required.

Technology Center AU 2611 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed December 16, 2011.

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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WILLIAMS MULLEN
222 CENTRAL PARK AVENUE
SUITE 1700
VIRGINIA BEACH VA 23462

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Gary Pekoe	:	
Application No. 12/022,627	:	DECISION ON PETITION
Filed: January 30, 2008	:	TO WITHDRAW
Attorney Docket No. 049510.0010	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed 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 Kelly J. Hollowell on behalf of all attorneys/agents associated with customer 45309. All attorneys/agents associated with customer number 45309 have been withdrawn.

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

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Dr. Gary Pekoe
421 Lynnhaven Parkway
Suite 101
Virginia Beach, VA 23452

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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LEXMARK INTERNATIONAL, INC.
INTELLECTUAL PROPERTY LAW DEPARTMENT
740 WEST NEW CIRCLE ROAD
BLDG. 082-1
LEXINGTON KY 40550-0999

MAILED

FEB 01 2011

OFFICE OF PETITIONS

In re Application of :
Steven W. Bergstedt et al. :
Application No. 12/022,654 : DECISION ON PETITION
Filed: January 30, 2008 :
Attorney Docket No. 2005-0238.02 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 13, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before February 3, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed November 3, 2008. Accordingly, the date of abandonment of this application is February 4, 2009. A Notice of Abandonment was mailed on February 26, 2009.

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

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

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

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DORSEY & WHITNEY LLP - MINNEAPOLIS
ATTENTION: PATENT PROSECUTION DOCKETING DEPARTMENT
INTELLECTUAL PROPERTY PRACTICE GROUP - PT/23RD FL
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS MN 55402-1498

MAILED
DEC 08 2011
OFFICE OF PETITIONS

In re Application of	:	
Dolezal et al.	:	DECISION ON PETITION
Application No. 12/022,728	:	TO WITHDRAW
Filed: January 30, 2008	:	FROM RECORD
Attorney Docket No. 186675/US/6	:	

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 23, 2011.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) was appointed by a specific designation, then the Request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request.

In the instant application, the practitioners were appointed via Customer Number. Therefore, a request to withdraw without providing the appropriate Customer Number used when Power of Attorney was given cannot be approved.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There is an outstanding Office action mailed August 4, 2011 that requires a reply.

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/
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

DORSEY & WHITNEY LLP - MINNEAPOLIS
ATTENTION: PATENT PROSECUTION DOCKETING DEPARTMENT
INTELLECTUAL PROPERTY PRACTICE GROUP - PT/23RD FL
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS MN 55402-1498

MAILED

DEC 28 2011

OFFICE OF PETITIONS

In re Application of
Dolezal et al.
Application No. 12/022,728
Filed: January 30, 2008
Attorney Docket No. 186675/US/6

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the second Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 13, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Nathan J. Witzany on behalf of all attorneys/agents of record who are associated with Customer Number 25763. All attorneys/agents associated with the Customer Number 25763 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed August 4, 2011 that requires a reply.

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: DAVID M. DOLEZAL
c/o AIRWARE, INC.
9590 E. IRONWOOD SQUARE DRIVE
BUILDING A, SUITE 101
SCOTTSDALE, AZ 85258

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.
12/022,755	01/30/2008	Pedro Antonio Romero	NMR4-43134-US	6199

7590 08/09/2010

Mossman, Kumar and Tyler, PC
P.O. Box 421239
Houston, TX 77242

EXAMINER	
VARGAS, DIXOMARA	

ART UNIT	PAPER NUMBER
2831	

NOTIFICATION DATE	DELIVERY MODE
08/09/2010	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

August 5, 2010

Mossman, Kumar and Tyler, PC
P.O. Box 421239
Houston TX 77242

In re Application of	:	
Pedro Antonio Romero	:	**DECISION ON PETITION**
Application No. 12022755	:	
Filed: 01/30/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **NMR4-43134-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) January 30, 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.

Kimberly Terrell, Manager
Office of Data Management
Publications Branch

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/22/11

TO SPE OF : ART UNIT 2895

SUBJECT : Request for Certificate of Correction for Appl. No.: 12022769 Patent No.: 7635875

CofC mailroom date: 03/16/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

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: ok to enter

N. Drew Richards

SPE, AU 2895

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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NDQ&M WATCHSTONE LLP
300 NEW JERSEY AVENUE, NW
FIFTH FLOOR
WASHINGTON DC 20001

MAILED
MAY 02 2011
OFFICE OF PETITIONS

In re Application of :
Keisuke Asari et al. :
Application No. 12/022,853 : DECISION ON PETITION
Filed: January 30, 2008 :
Attorney Docket No. SAN.003.0013.NP :

This is a decision on the petition, filed January 7, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

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

This application was held abandoned for failure to reply to the non-final Office action mailed June 10, 2010, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on January 6, 2011.

Petitioner asserts that the Office action dated June 10, 2010 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The file shows that a copy of the Office action is listed as a Miscellaneous Incoming Letter received July 1, 2010 although it is not clear who sent the copy to the Office or why.

The showing required to establish non-receipt of an Office communication must include:

(1) a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

(2) Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received.

(3) A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. See MPEP §711.03(c)(I)(A).

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition fails to satisfy all of the above-stated requirements. Item (1) above was not included in the petition.

Accordingly, absent the required evidence to establish nonreceipt of the Office action of June 10, 2010, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

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

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a

statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6842.

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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NDQ&M WATCHSTONE LLP
300 NEW JERSEY AVENUE, NW
FIFTH FLOOR
WASHINGTON DC 20001

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JUL 11 2011
OFFICE OF PETITIONS

In re Application of :
Keisuke Asari et al. :
Application No. 12/022,853 : DECISION ON PETITION
Filed: January 30, 2008 :
Attorney Docket No. SAN.003.0013.NP :

This is a decision on the renewed petition, filed July 1, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

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

This application was held abandoned for failure to reply to the non-final Office action mailed June 10, 2010, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on January 6, 2011.

Petitioner asserts that the Office action mailed June 10, 2010 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

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

Telephone inquiries concerning this decision should be directed to Carl Friedman at (571) 272-6842.

This application is being referred to Technology Center Art Unit 2622 for remailing of the Office action, the period for response to the Notice starting from the date of the remail.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

VEDDER PRICE P.C.
222 N. LASALLE STREET
CHICAGO IL 60601

MAILED
JUN 23 2011
OFFICE OF PETITIONS

In re Application of :
KRUSE :
Application No. 12/022,858 : DECISION ON PETITION
Filed: January 30, 2008 : TO WITHDRAW
Attorney Docket No. 41253.00.0004 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 6, 2011.

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

A review of the file record indicates that the power of attorney to John J. Gresens and the Attorneys associated with Customer No. 23418, has been revoked by the assignee of the patent application on May 17, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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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	:	
Eric E. Vogt et al.	:	
Application No. 12/022,878	:	DECISION ON PETITION
Filed: January 30, 2008	:	TO WITHDRAW
Attorney Docket No. **2007770-0004**	:	FROM RECORD
	:	

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

The request is **NOT APPROVED**.

A review of the file record indicates that Brenda Herschbach Jarrell or any attorneys/agents associated with Choate, Hall & Stewart LLP does not have power of attorney or was ever given power of attorney in the above-identified application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

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

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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COOLEY LLP
ATTN: PATENT GROUP
SUITE 1100
777 - 6TH STREET, NW
WASHINGTON DC 20001

MAILED
APR 13 2011
OFFICE OF PETITIONS

In re Application of :
Reynolds et al. :
Application No. 12/022,970 : DECISION ON PETITION
Filed: January 30, 2008 TO WITHDRAW FROM RECORD
Attorney Docket No. BOBJ-201/00US :
304661-2447 :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 11, 2011.

The request is **APPROVED**.

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

The request was signed by William S. Galliani, on behalf of all attorneys of record who are associated with Customer Number 23419.

All attorneys/agents associated with the Customer Number 23419 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will continue to be directed to the assignee at the address indicated below.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other 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: Business Objects Americas; Business Objects S.A.
SAP America, Inc.; Business Objects Software Ltd.
Business Objects Data Integration, Inc.
3580 Carmel Mountain Rd., Suite 300
San Diego CA 92130

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MAILED

OCT 01 2010

OFFICE OF PETITIONS

PATENT VENTURE GROUP
10788 CIVIC CENTER DRIVE
SUITE 215
RANCHO CUCAMONGA CA 91730

In re Application of	:	
Robert M. MCCOY	:	
Application No. 12/022,976	:	DECISION ON PETITION
Filed: January 30, 2008	:	TO WITHDRAW
Attorney Docket No. MCOYP001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 30, 2010.

The request is **APPROVED.**

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

The request was signed by Joe A. Brock II on behalf of the attorneys of record associated with Customer No. 52785.

The attorneys of record associated with Customer No. 52785 have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

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

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

cc: ROBERT M. MCCOY
9754 SVL BOX
VICTORVILLE, CA 92395

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/022,976	01/30/2008	Robert M. McCoy	MCOYP001

CONFIRMATION NO. 6630

52785
PATENT VENTURE GROUP
10788 CIVIC CENTER DRIVE
SUITE 215
RANCHO CUCAMONGA, CA 91730

POWER OF ATTORNEY NOTICE

OC000000043798168

Date Mailed: 09/30/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/30/2010.

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

/dcgoodwyn/

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

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

MAILED

MAY 23 2011

OFFICE OF PETITIONS

In re Application of :
Goodman et al. :
Application No. 12/023,001 : RESPONSE TO PETITION
Filed: January 30, 2008 :
Attorney Docket No. 2986-8201US :

This is a response to the petition, filed May 18, 2011, which is treated as a petition under 37 CFR 1.59(b) to expunge information from the above identified application.

The petition is **dismissed**.

On March 17, 2011 a Declaration was filed in the above identified application. Petitioner asserts that the Declaration was erroneously filed in the above identified application, as it was related to another application. Petitioner requests that the Declaration of March 17, 2011 be removed from the file wrapper of the above identified application.

37 CFR 1.59 states in part:

> (a)(1) Information in an application will not be expunged, except as provided in paragraph (b) of this section or § 41.7(a) of this title.
> (2) Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.
> (b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(g) and **establish to the satisfaction of the Director that the expungement of the information is appropriate** in which case a notice granting the petition for expungement will be provided. [emphasis added]

The standards for expunging information that is unintentionally submitted in an application, including the standards for establishing that the expungement of the information is appropriate, are discussed in MPEP section 724.05 II. This section states that a petition 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 Office cannot expunge the Declaration of March 17, 2011 prior to the issuance of any patent on the application in issue since the patent has already issued. Accordingly, the petition must be dismissed.

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-6692.

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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WANG & HO
66 HILLTOP ROAD
MILLINGTON NJ 07946

MAILED
JUN 13 2011
OFFICE OF PETITIONS

In re Application of
Youqing Zhang
Application No. 12/023,047
Filed: January 31, 2008
Attorney Docket No.: P07024US

ON PETITION

This is a decision on the petition filed May 12, 2011 to withdraw the holding of abandonment for the above-identified application, which is being treated under 37 CFR 1.181

The petition under 37 CFR 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 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(b)". This is not a final agency decision.

This application was held abandoned on July 19, 2019 and a Notice of Abandonment was sent via email notification on mailed October 26, 2010 for the applicant's failure to file a response to the Final Office Action sent via email notification on April 16, 2010.

Petitioner asserts that a final rejection was mailed April 16, 2010, after the filing of a Supplemental Appeal Brief but that the Final Rejection of April 16, 2010 had no legal effect whatsoever as the case was pending for appeal without being reopened for prosecution by the Examiner.

Petitioner's argument has been considered but is not persuasive. Petitioner is advised that by law a proper and timely response was required to the Final Office Action sent via email notification on April 16, 2010, irrespective of the Supplemental Appeal Brief filed January 18, 2010. The failure to file a response within three months of the Final Office Action sent via email notification on April 16, 2010 caused the application to become abandoned.

Applicants are not afforded an opportunity to withhold a response to an office communication even based on the belief that the response previously filed was sufficient.

In view thereof, the holding of abandonment will not be withdrawn.

ALTERNATIVE VENUES

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b),[1] 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).

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

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

By FAX: (571) 273-8300

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

---

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

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

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

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

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

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WANG & HO
66 HILLTOP ROAD
MILLINGTON NJ 07946

MAILED
AUG 05 2011
OFFICE OF PETITIONS

In re Application of :
Youqing Zhang :
Application No. 12/023,047 : ON PETITION
Filed: January 31, 2008 :
Attorney Docket No.: P07024US :

This is a decision on the renewed petition filed June 17, 2011 under 37 CFR 1.181 to withdraw the holding of abandonment for the above-identified application.

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

This application was held abandoned on July 19, 2019 and a Notice of Abandonment was sent via email notification on mailed October 26, 2010 for the applicant's failure to file a response to the Final Office Action sent via email notification on April 16, 2010.

Petitioner asserts that a final rejection was mailed April 16, 2010, after the filing of a Supplemental Appeal Brief but that the Final Rejection of April 16, 2010 had no legal effect whatsoever as the case was pending for appeal without being reopened for prosecution by the Examiner.

In response to the decision on petition mailed June 13, 2011 and based on the further argument in the instant renewed petition, Petitioner's argument has been re-considered.

A review of USPTO records confirms that prosecution of the application was not re-opened and therefore, the Final Office Action was mailed prematurely. In view thereof, no response to the Final Office Action was due and the application is not abandoned.

The holding of abandonment is withdrawn. No petition fees are due and none have been charged.

This application is being forwarded to the Technology Center 3765 for further examination in view of the Supplemental Appeal Brief filed January 18, 2010.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

MAILED

DEC 10 2010

OFFICE OF PETITIONS

In re Application of :
Mami Nuratani :
Application No. 12/023,075 : DECISION GRANTING PETITION
Filed: January 31, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. XA-10990 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 9, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 24, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries 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 2872 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.*

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	12/023,084	Confirmation Number	6831	Filing Date	2008-01-31
Attorney Docket Number (optional)	54971-217197	Art Unit	3626	Examiner	FUELLING, MICHAEL
First Named Inventor	Paul Rhodes , Oakland, CA (US)				
Title of Invention	KNOWLEDGE BASED CLINICAL DENTAL RECORDS MANAGEMENT SYSTEMS				

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
Paul		Rhodes	

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	/Kevin R Erdman/	Date (YYYY-MM-DD)	2011-11-22
Name	Kevin R. Erdman	Registration Number	33687

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
Paul Rhodes

Application No. 12023084

Filed: January 31,2008

Attorney Docket No. 54971-217197

:
:
: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 22-NOV-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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Alexandria, VA 22313-1450
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Smith & Nephew, Inc.
Diana Houston
1450 Brooks Road
Memphis TN 38116

MAILED

JUN 27 2011

OFFICE OF PETITIONS

In re Patent No. 7,922,771	:
Otto et al.	: DECISION ON REQUEST FOR
Issue Date: April 12, 2011	: RECONSIDERATION OF
Application No. 12/023,112	: PATENT TERM ADJUSTMENT
Filed: January 31, 2008	:
Attorney Docket No. 21329-0009001/PT2602USCNT	:
Title: HIGH PERFORMANCE KNEE PROSTHESES	:

This is a decision on the petition filed on June 10, 2011, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one hundred thirty-seven (137) days.

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

BACKGROUND

On April 12, 2011, the above-identified application matured into U.S. Patent No. 7,922,771, with a revised patent term adjustment of 81 days. On June 10, 2011, patentees timely submitted this request for reconsideration of patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 137. Patentees maintain that the Office incorrectly calculated Office delay pursuant to 37 CFR 1.702(b). Patentees contend that the Office erred in subtracting from the "B delay" a period of time that was not "consumed by continued examination of the application."

Specifically, Patentees argue that (after the filing of the request for continued examination) the Office mailed a Notice of Allowance on February 16, 2011, thereby closing examination of the application on that date. Thus, Patentees argue no continued examination took place during the 56 day period from February 16, 2011(the mailing date of the Notice of Allowance) until April 12, 2011 (the date the patent was issued). As such, Patentees maintain that the "B delay" should include the 56 days and be increased from 3 to 59 days. Patentees conclude that the correct patent term adjustment is 137 days (the sum of 223 days of "A delay" and 59 days of "B delay" minus 145 days Applicant).

RELEVANT STATUTE AND REGULATIONS

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

> Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including –
>
> (i) any time consumed by continued examination of the application requested by the applicant under section 132(b);
>
> (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or
>
> (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

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

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

(1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);

(2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);

(3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;

(4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or

(5) Any delay in the processing of the application by the Office that was requested by the applicant.

OPINION

Patentees' arguments have been considered, but not found persuasive. The Office calculated the period of "B delay" pursuant to 35 U.S.C. 154(b)(1)(B)(i) and 37 CFR 1.702(b)(1) as 3 days based on the application having been filed under 35 U.S.C. 111(a) on January 31, 2008 and the patent not having issued as of the day after the three year date, February 1, 2011, and a request for continued examination under 132(b) having been filed on February 4, 2011. In other words, the 56-day period beginning on the date of mailing of the notice of allowance to the date of issuance of the patent was considered time consumed by continued examination of an application under 35 U.S.C. 132(b) and was not included in the "B delay."

The Office's calculation of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued examination of the application at the request of the applicant under 35 U.S.C. 132(b)[1]. So, with respect to calculating the "B delay" where

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[1] Pursuant to 35 U.S.C. 132(b) , 37 CFR 1.114 provides for continued examination of an application, as follows:

(a) If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:

(1) Payment of the issue fee, unless a petition under § 1.313 is granted;

(2) Abandonment of the application; or

(3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.

(b) Prosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is

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

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

Patentees' argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a

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a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application.

limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

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

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

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

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, No. 07-1492, 2008 U.S. Dist. LEXIS 76063 (D.D.C., September 30, 2008), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, inter alia, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

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

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

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

procedures3 permit the filing of a request for continued examination under 37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

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

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

In this instance, a request for continued examination was filed on February 4, 2011, and the patent issued by virtue of that request on April 12, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on February 4, 2011 and ending on April 12, 2011 is not included in calculating Office delay.

CONCLUSION

In view thereof, it is concluded that the patent term adjustment of 81 days indicated on the patent is correct.

---

[3] Thus, on occasion, even where a request for continued examination has already been filed and a notice of allowance issued pursuant to that request, applicant may file a further request for continued examination.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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NEC LABORATORIES AMERICA, INC.
4 INDEPENDENCE WAY
SUITE 200
PRINCETON NJ 08540

MAILED

MAY 05 2011

OFFICE OF PETITIONS

In re Application of	:	
Dubnicki et al.	:	
Application No. 12/023,133	:	ON PETITION
Filed: January 31, 2008	:	
Attorney Docket No. 06083	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $1620.00, and (3) a proper statement of unintentional delay.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a request to change the address of record should be filed. 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) 272-3206.

This matter is being referred to Technology Center AU 2443 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: JAMES J. BITETTO
425 BROADHOLLOW ROAD, SUITE 302
MELVILLE, NY 11747

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/023,142	01/31/2008	Qingjie Ding	24095 US1	6920

151 7590 11/17/2011

HOFFMANN-LA ROCHE INC. .
PATENT LAW DEPARTMENT
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NUTLEY, NJ 07110

EXAMINER	
DESAI, RITA J	

ART UNIT	PAPER NUMBER
1625	

MAIL DATE	DELIVERY MODE
11/17/2011	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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Frank Hoffman
HOFFMANN-LA ROCHE INC.
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NUTLEY NJ 07110

In re Application of	:
Qingjie Ding	:
Serial No.: 12/023,142	:Decision on Petition
Filed : 31 January 2008	:
Attorney Docket No.: 24095 US1	:

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 27 October 2011 requesting reconsideration of the restriction requirement mailed 1 June 2011 2011.

BACKGROUND

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

On 1 June 2011, the examiner set forth a restriction requirement which divided claims 1-12 into nine groups depending upon the type of formula and its substituents.

On 29 June 2011, applicants elected Group I, with traverse.

On 21 July 2011, the examiner mailed to applicants a non-final Office action in which the traversal was considered. Group IV was rejoined with elected Group I for examination. The remainder of the restriction requirement was made final. Claim 3 was withdrawn from

consideration under 37 CFR 1.142(b) as being directed to non-elected subject matter. Claims 1, 2 and 4-12 were examined on the merits.

On 27 October 2011, applicants filed this petition.

DISCUSSION

The file history and petition have been considered carefully.

The compound and composition claims, which were drafted in Markush format, were divided into nine subgroups. This type of intraclaim restriction 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." 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-IX) is found to be unwarranted. In keeping with the Federal Register Notice, this requirement has been withdrawn and re-formatted as a provisional election of species requirement.

DECISION

For these reasons, the petition filed under 37 CFR 1.144 on 27 October 2011 is **GRANTED**.

The intra-claim restriction requirement made between the product of Groups I-IX has been withdrawn and re-formatted as an provisional election of species requirement.

Applicants remain under obligation to respond in a timely manner to the Office action mailed 21 July 2011.

Upon response, the application will be forwarded to the examiner 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 FR 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.

Remy Yucel
Director, Technology Center 1600

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WASHINGTON DC 20005

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JUL 05 2011

OFFICE OF PETITIONS

In re Application of :
Shin :
Application No. 12/023,147 : DECISION ON PETITION
Filed: January 31, 2008 :
Attorney Docket No. 1904.1114 :

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

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before May 18, 2011, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed February 18, 2011.

Petitioner asserts that the Notice dated February 18, 2011 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 non-received Notice would have been entered and docketed had it been received must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

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

This application is being referred to the Technology Center AU 2625 technical support staff for **re-mailing** the Notice of Allowability and the Notice of Allowance and Fee(s) Due of February 18, 2011. The period for paying the issue and publication fees will be reset to expire three (3) months from the date the Notices are re-mailed. This period is not extendable under the provisions of 37 CFR 1.136.

Telephone inquires pertaining to this decision may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/023,210	01/31/2008	Yasuo Imashiro	081070	7034

7590 09/23/2011

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
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SUITE 700
WASHINGTON, DC 20036

EXAMINER	
ART UNIT	PAPER NUMBER
3772	
NOTIFICATION DATE	DELIVERY MODE
09/23/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

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OFFICE OF PETITIONS

BAE Systems
P.O. Box 868
Nashua, New Hampshire 03061-0868

In re Application of	:	
BOHNET et al.	:	DECISION GRANTING PETITION
Application No. 12/023,320	:	UNDER 37 CFR 1.137(b)
Filed: 31 January 2008	:	
Atty. Docket No. 20060026	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to non-final Office action mailed 23 October 2009 ("outstanding Office action"), which set a shortened statutory period of reply of three (3) months. Three (3) months' extensions of time were purchased, however no reply was sent. The application thus became abandoned on 24 April 2010.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the outstanding Office action and 3 months' extensions of time, (2) a petition fee of $1620.00, and (3) a Statement of unintentional delay. The reply to the outstanding Office action is accepted as having been unintentionally delayed.

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 $1730.00 extension of time fee submitted with the petition on 10 May 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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

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

The application file will be referred to Technology Center Art Unit 1795 for further action on the filed Response.

David Bucci
Petitions Examiner
Office of Petitions

cc: Mr. Marc A. Rossi
Rossi, Kimms & McDowell LLP
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OFFICE OF PETITIONS

In re Application of
Royer, et al.
Application No. 12/023,417
Filed: January 31, 2008
Attorney Docket No. 5563-US-DIV[3]

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed June 4, 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 amendment asserts, *inter alia*, that U.S. App. No. 11/095,491, filed March 31, 2005, which issued as U.S. Pat. No. 7,332,341 on February 19, 2008, is a divisional of U.S. App. No. 09/316,080, filed May 20, 1999, which issued as U.S. Pat. No. 6,180,366 on January 30, 2001. The claim as asserted cannot be entered given the lack of continuity between the aforementioned prior-filed applications.

Further, the reference to add the prior-filed applications in the first sentence of the specification on page one 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.

As to item (2) set forth above, the required surcharge has been charged to the authorized deposit account.

The petition does not satisfy item (3) set forth above. The rule at 37 CFR § 1.78(a)(3) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The statement appearing in the petition varies from the required language. Correction upon renewed petition is required.

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

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

By hand:
Customer 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 Alesia M. Brown, Petitions Attorney at (571) 272-3205.

Chris Bottorff
Supervisor
Office of Petitions

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NOVOZYMES, INC.
1445 DREW AVE
DAVIS CA 95618

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DEC 02 2010

OFFICE OF PETITIONS

In re Application of
Royer, et al.
Application No. 12/023,417
Filed: January 31, 2008
Attorney Docket No. 5563-US-DIV[3]

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 7, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed non-provisional 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 claim as presented remains unacceptable. The claim as set forth on the Supplemental Application Data Sheet, filed October 7, 2010, is not acceptable as the Supplemental Application Data Sheet is not signed in accordance with 37 CFR 1.33(b).

Moreover, as previously indicated in the decision on petition mailed August 3, 2010, the claim is not acceptable due to the lack of continuity between U.S. App. No. 11/095,491, filed March 31, 2005, which issued as U.S. Pat. No. 7,332,341 on February 19, 2008, and U.S. App. No. 09/316,080, filed May 20, 1999, which issued as U.S. Pat. No. 6,180,366 on January 30, 2001.

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

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

By mail:	Mail Stop PETITIONS 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 Alesia M. Brown at (571) 272-3205.

Chris Bottorff
Supervisor
Office of Petitions

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

PTO/SB/420 (11-10)
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: 0021-062	Application Number (if known): 12/023,542	Filing date: January 31, 2008
First Named Inventor: Kimberly Ann Steele		
Title: Sealant Bottle Snap-In Feature for Vehicle Temporary Mobility Kit		

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 for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

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 SUPPORTING ELIGIBILITY REQUIREMENT

Signature /s/ Kristy J. Downing	Date March 03, 2011
Name (Print/Typed) Kristy J. Downing	Registration Number 56671

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 zero forms are submitted.

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/023,542	01/31/2008	Kimberly Ann Steele	0021-062	7572

81114 7590 03/16/2011

Kristy J. Downing, Esq.
39555 Orchard Hill Pl., 6th Fl.
PMB No.: 6051
Novi, MI 48375

EXAMINER	
NIESZ, JASON KAROL	
ART UNIT	**PAPER NUMBER**
3751	

NOTIFICATION DATE	DELIVERY MODE
03/16/2011	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

kristy@kjdowninglaw.com

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Kristy J. Downing, Esq.
39555 Orchard Hill Pl., 6th Fl.
PMB No.: 6051
Novi MI 48375

In re Application of	:	
STEELE, KIMBERLY ANN et al	:	DECISION ON PETITION
Application No. 12/023,542	:	TO MAKE SPECIAL UNDER
Filed: Jan. 31, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 0021-062	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 3, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed.**

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.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks item #4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. It is not clear how the claimed sealant and switch-inflator assembly will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. Claims are readable on a basket ball sealant which has nothing to do with green technologies.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. This application will be forwarded to the Technology Center Art Unit 3751 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

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OFFICE OF PETITIONS

MINTZ LEVIN COHN FERRIS GOLOVSKY POPEO, PC
ONE FINANICAL CENTER
BOSTON, MA 02111

In re Application of
Bo-Ming TONG.
Application No. 12/023,599
Filed: January 31, 2008
Attorney Docket No. **34874-605F01US**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 2, 2011.

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record and change of correspondence address is hereby not accepted. Petitioner has not complied with current USPTO requirements, set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address.

Petitioner has not properly submitted correspondence forwarding address information for the application.

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

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

The Office will also 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). All future communications from the Office will be directed to the above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address has been submitted.

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

All other inquires concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-2100.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOVAK DRUCE + QUIGG LLP
Laurian Building
2810 Laurian Ln., Suite 200
DUNKIRK MD 20754

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DEC 07 2011

OFFICE OF PETITIONS

In re Application of
Jackson
Application No. 12/023,722
Filed: January 31, 2008
Attorney Docket No. 010-0046-US

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed November 22, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

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

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

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.

Receipt is acknowledged of the Supplemental Application Data Sheet filed herewith, however, as it is inconsistent with the claim set forth in the amendment, the Supplemental Application Data Sheet has not been entered.

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

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401 Dulany Street
Alexandria, VA 22314

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

Any questions concerning this matter may be directed to undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

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NOVAK DRUCE + QUIGG LLP
Laurian Building
2810 Laurian Ln., Suite 200
DUNKIRK MD 20754

In re Application of :
Jackson :
Application No. 12/023,722 : DECISION ON PETITION
Filed: January 31, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 010-0046-US :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed February 6, 2012, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed nonprovisional application set forth in the concurrently filed amendment.

The petition is **DISMISSED.**

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

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

The petition does not comply with item (1)

The claim as set forth on the amended specification accompanying the petition makes reference to U.S. App. No. 11/276,007, filed April 7, 2006, for which continuity cannot be found.

The "SUBSTITUTE APPLICATION DATA SHEET" included with the petition cannot be entered because (1) is it not properly titled "SUPPLEMENTAL APPLICATION DATA SHEET" as required per 37 CFR 1.76(c)(2) and (2) it is not properly executed as required per 37 CFR 1.33(b).

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)), which states the relationship of the prior-filed application to this application, are required.

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

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Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

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

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

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

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JOHN S. ECONOMOU
202 MAMARONECK AVE., THIRD FLOOR
WHITE PLAINS, NY 10601

MAILED

AUG 02 2010

OFFICE OF PETITIONS

In re Application of :
Stephan Dobritz et al :
Application No. 12/023,853 : DECISION ON PETITION
Filed: January 31, 2008 : TO WITHDRAW
Attorney Docket No. QM000040 : 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 June 17, 2010.

The request is **APPROVED**.

A review of the file record indicates that Ira S. Matsil: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Ira S. Matsil has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

Telephone inquires concerning this decision should be directed to Irvin Dingle at 571-272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Ira S. Matsil
17950 Preston Road, Suite 1000
Dallas, TX 75252

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MANUEL F. DE LA CERRA
6885 CATAMARAN DRIVE
CARLSBAD CA 92011

In re Application of :
MESSINGER et al. :
Application No. 12/023,866 : DECISION ON PETITION
Filed: 01/31/2008 :
Attorney Docket No. AVA-007 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 9, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed February 23, 2011, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 24, 2011. A Notice of Abandonment was mailed on October 3, 2011.

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

This application is being referred to Technology Center AU 2862 for appropriate action by the Examiner on the reply received on November 9, 2011.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

In re Application of :
Douglas M. Williams :
Application No. 12/023,901 : DECISION GRANTING PETITION
Filed: 01/31/2008 :
Attorney Docket No. 113377-005UTL :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 17, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed nonprovisional applications.

The petition is **GRANTED**.

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

(1) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

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

The granting of the petition to accept the delayed benefit claim to the prior-filed 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 benefit of 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 benefit claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. 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 3629 for consideration by the Examiner of petitioners' entitlement to claim benefit under 35 U.S.C. 120 to the prior-filed nonprovisional applications.

/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
12/023,901	01/31/2008	3629	540	113377-005UTL	16	4

CONFIRMATION NO. 8263

CORRECTED FILING RECEIPT

27189
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO, CA 92101

OC000000053157490

Date Mailed: 03/16/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Douglas M. Williams, Del Mar, CA;

Assignment For Published Patent Application

RF Check, Inc., Del Mar, CA

Power of Attorney: The patent practitioners associated with Customer Number 27189

Domestic Priority data as claimed by applicant

This application is a CIP of 11/394,555 03/31/2006 PAT 7570922
which is a CIP of 11/100,947 04/06/2005 ABN
which is a CIP of 10/215,495 08/08/2002

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

If Required, Foreign Filing License Granted: 02/12/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/023,901**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

SYSTEM AND METHOD FOR AUTOMATED RADIO FREQUENCY SAFETY AND REGULATORY COMPLIANCE AT WIRELESS TRANSMISSION SITES

Preliminary Class

705

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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The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

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Alexandria, VA 22313-1450
www.uspto.gov

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

MAILED

APR 08 2011

OFFICE OF PETITIONS

In re Application of :
CYPHER, et al :
Application No. 12/023,909 : DECISION ON PETITION
Filed: January 31, 2008 : TO WITHDRAW
Attorney Docket No. BOBJ-204/00US 304661-2450 : FROM RECORD
:

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

The request is **NOT APPROVED.**

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

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

MAILED

JUN 17 2011

OFFICE OF PETITIONS

In re Application of :
Chawla, Barabasi and Chistakis :
Application No. 12/023,935 : DECISION ON PETITION
Filed: January 31, 2008 : PURSUANT TO
Attorney Docket No. UND.007A : 37 C.F.R. § 1.182
Title: DISEASE DIAGNOSES-BASES :
DISEASE PREDICTION :

This is a decision on the petition pursuant to 37 C.F.R. § 1.182, filed April 13, 2011, requesting a change in the order of the inventors.

Petitioner has submitted the petition fee, along with a listing of the order of the inventors' names that Petitioner prefers.

The petition is **GRANTED.**

The order of the names of the inventors has been changed as follows:

Chawla
Barabasi
Chistakis

A filing receipt reflecting this change is enclosed.

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 present application can receive further processing in due course.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[1] All other inquiries concerning

1 Petitioner will note that all practice before the Office should be in writing,

examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

Encl. Corrected Filing Receipt

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/023,935	01/31/2008	1631	1035	UND.007A	44	3

CONFIRMATION NO. 8320

CORRECTED FILING RECEIPT

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

OC000000048138978

Date Mailed: 06/14/2011

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)

Nitesh V. Chawla, Granger, IN;
Albert-Laszlo BARABASI, Brookline, MA;
Nicholas Christakis, Concord, MA;

Assignment For Published Patent Application

Harvard University, Cambridge, MS
University of Notre Dame, Notre Dame, MS

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

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/898,739 01/31/2007

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

If Required, Foreign Filing License Granted: 02/15/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/023,935**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

DISEASE DIAGNOSES-BASES DISEASE PREDICTION

Preliminary Class

703

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1/9/12

TO SPE OF : ART UNIT: 3718

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/023,961 Patent No. 8,062,119

CofC mailroom date 1/4/12

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Ernest C. White, LIE

Certificates of Correction Branch
703-756-1814 _____

Thank You For Your Assistance

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

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

Comments: Changes apply for all claims except claims 27, 32 and 37. The changes for claims 27, 32 and 37 do not apply because the instructions are not clear, with wrong column & line numbers.

_____ 3718
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

APR 13 2011

OFFICE OF PETITIONS

In re Application of	:	
Bolf et al.	:	
Application No. 12/023,996	:	DECISION ON PETITION
Filed: January 31, 2008		TO WITHDRAW FROM RECORD
Attorney Docket No. BOBJ-202/00US	:	
304661-2448	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 11, 2011.

The request is **APPROVED.**

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

The request was signed by William S. Galliani, on behalf of all attorneys of record who are associated with Customer Number 23419.

All attorneys/agents associated with the Customer Number 23419 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will continue to be directed to the assignee at the address indicated below.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Business Objects Americas; Business Objects S.A.
SAP America, Inc.; Business Objects Software Ltd.
Business Objects Data Integration, Inc.
3580 Carmel Mountain Rd., Suite 300
San Diego CA 92130

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

MAY 27 2011

OFFICE OF PETITIONS

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

In re Application of	:	
JEAN BOLF, et al	:	
Application No. 12/024,024	:	DECISION ON PETITION
Filed: January 31, 2008	:	TO WITHDRAW
Attorney Docket No. 34874-733F01US	:	FROM RECORD
	:	

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

The request is **NOT APPROVED.**

The Request to withdraw from record cannot be approved because the change of correspondence address is not that of a new practitioner or law firm who has filed a proper power of attorney in the Office.

All future communications from the Office will continue to be directed to the address indicated below 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: MINTZ LEVIN COHN FERRIS GLOVSKY POPEO PC
ONE FINANCIAL CENTER
BOSTON, MA 02110

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/024,310	02/01/2008	Amir FERIANI	NOVAP0018	9039

24203 7590 04/12/2012

GRIFFIN & SZIPL, PC
SUITE PH-1
2300 NINTH STREET, SOUTH
ARLINGTON, VA 22204

EXAMINER	
BOECKMANN, JASON J	

ART UNIT	PAPER NUMBER
3752	

NOTIFICATION DATE	DELIVERY MODE
04/12/2012	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):

GandS@szipl.com
burke@szipl.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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GRIFFIN & SZIPL, PC
SUITE PH-1
2300 NINTH STREET, SOUTH
ARLINGTON VA 22204

In re Application of:
FERIANI, AMIR et al
Serial No.: 12/024,310
Filed: Feb. 1, 2008
Docket: NOVAP0018
Title: VOLATILE LIQUID DROPLET DISPENSER DEVICE

DECISION ON PETITION

This is a decision on the petitions filed September 26, 2011 under 37 CFR 1.181 requesting withdrawal of the election of species requirement of the Office action mailed March 4, 2011. This petition is considered as pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is granted.

In finding petitioner's points of argument persuasive, the requested relief for withdrawal of election of species requirement promulgated on March 4, 2011 is granted.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3752 for further consideration and examination of all pending claims 1-8 and 10-19 as filed with the RCE on August 4, 2011.

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

Accordingly, the petition is **granted.**

Donald T. Hajec, Director
Technology Center 3700

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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Alston & Bird, LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000

MAILED

OCT 18 2010

OFFICE OF PETITIONS

In re Application of	:	
Joseph R. Pilsbury et al.	:	
Application No. 12/024,333	:	DECISION ON PETITION
Filed: February 1, 2008	:	TO WITHDRAW
Attorney Docket No. 052403/316300	:	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 20, 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 Jason P. Cooper and all attorneys/agents associated with customer number 00826 has been revoked by the assignee of the patent application on August 23, 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: Frommer, Lawrence & Haug
745 Fifth Avenue – 10th Floor
New York, NY 10151

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.
12/024,337	02/01/2008	Masahiko ANDO	XA-10992/T3351-14448US01	9087

7590 10/19/2010
MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

EXAMINER
THOMAS, SHANE M

ART UNIT	PAPER NUMBER
2186	

NOTIFICATION DATE	DELIVERY MODE
10/19/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LEXMARK INTERNATIONAL, INC.
INTELLECTUAL PROPERTY LAW DEPARTMENT
740 WEST NEW CIRCLE ROAD
BLDG. 082-1
LEXINGTON KY 40550-0999

MAILED
FEB 04 2011
OFFICE OF PETITIONS

In re Application of	:	
Hart et al.	:	
Application No. 12/024,346	:	DECISION ON PETITION
Filed: February 1, 2008	:	
Attorney Docket No. 2005-0274.03 (60457.D1)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 30, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the final Office action mailed, December 14, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 15, 2010. A Notice of Abandonment was mailed October 12, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a proper After-Final Amendment, (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay.

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.

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

This matter is being referred to Technology Center AU 2853 for processing of the After-Final Amendment filed with the instant petition.

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

Craig E. Larson
Law Department
Bausch & Lomb Incorporated
One Bausch & Lomb Place
Rochester NY 14604-2701

MAILED

JAN 10 2011

OFFICE OF PETITIONS

In re Application of :
Ulf Grotehusmann et al. :
Application No. 12/024,415 : DECISION ON PETITION
Filed: February 1, 2008 :
Attorney Docket No. P03015D2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 9, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 25, 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 26, 2010. A Notice of Abandonment was mailed on September 30, 2010.

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

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

This application is being referred to Technology Center AU 2873 for appropriate action by the Examiner in the normal course of business on the reply received November 9, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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MICHAEL BERNS
P.O. BOX 755
URBANA IL 61803

MAILED

AUG 2 0 2010

OFFICE OF PETITIONS

In re Application of	:	
Smith et al.	:	DECISION ON PETITION
Application No. 12/024,483	:	TO WITHDRAW
Filed: February 1, 2008	:	FROM RECORD
Attorney Docket No. SMITHBILLRHT	:	

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 28, 2010.

The request is **APPROVED**.

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

The request was signed by Michael Berns on behalf of all attorneys of record who are associated with Customer No. 22906.

All attorneys/agents associated with Customer Number 22906 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

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

Currently, a Notice of Abandonment was mailed July 6, 2010 in the above-identified application.

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: William Smith
14 Stonebrook Ct
Bloomington, IL 61704

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AUG 19 2010

OFFICE OF PETITIONS

LAW OFFICES OF PAUL E. KUDIRKA
40 BROAD STREET
SUITE 300
BOSTON, MA 02109

In re Application of
ArjenB. Storm, et al.
Application No. 12/024,488
Filed: February 1, 2008
Attorney Docket No.: B0012/7039

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed June 21, 2010.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before May 24, 2010, as required by the Notice of Allowance and Fee(s) Due mailed February 24, 2010. A Notice of Abandonment was subsequently mailed on June 18, 2010. On June 21, 2010, the present petition was filed.

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

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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COHEN & GRIGSBY, P.C.
625 LIBERTY AVENUE
PITTSBURGH, PA 15222-3152

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MAY 12 2011
OFFICE OF PETITIONS

In re Patent No. 7,677,390 :
Issue Date: March 16, 2010 :
Application No. 12/024,491 : NOTICE
Filed: February 1, 2008 :
Patentee(s): Peter Roesler :

This is a Notice regarding your Notification of Change in Entity Status filed on April 13, 2011, which is being treated as a request for acceptance of a fee deficiency submission under 37 CFR 1.28(c).

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

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**. Therefore, status as a small entity has been removed and any future fee(s) submitted must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA GA 30309

MAILED

SEP 21 2011

OFFICE OF PETITIONS

In re Application of :
Weaver :
Application No. 12/024,506 : ON PETITION
Filed: February 1, 2008 :
Attorney Docket No. **23941-0004**

This is a decision on the petition under 37 CFR 1.137(b), filed September 19, 2011, to revive the above-identified application.

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

The above-identified application became abandoned March 8, 2011, for failure to file a proper reply to the final Office action mailed December 7, 2010, which set a shortened statutory period for reply of three (3) months from its mailing date. A Notice of Abandonment was mailed June17, 2011.

The Request for Continued Examination and amendment filed September 19, 2011, are noted.

The application file is being forwarded to Technology Center, GAU 3636 for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

MAILED

DEC 14 2010

OFFICE OF PETITIONS

In re Application of	:	
Takashi Matsukawa, et al.	:	
Application No. 12/024,517	:	DECISION GRANTING PETITION
Filed: February 1, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. Q105931	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 13, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 17, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2831 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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

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OFFICE OF PETITIONS

Paper No.

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

In re Application of	:	
Sidhu et al.	:	DECISION
Application No. 12/024,604	:	ON APPLICATION FOR
Filed: February 1, 2008	:	PATENT TERM ADJUSTMENT
Atty Docket No.: 63250-8001.US01	:	
Title: ELECTRONIC GAME, SUCH AS A COMPUTER GAME INVOLVING REMOVING PEGS	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT INDICATED IN THE NOTICE OF ALLOWANCE UNDER 37 C.F.R. § 1.705(b)," filed December 16, 2011. Applicants request that the patent term adjustment be corrected from six hundred and eighty-seven (687) days to six hundred and nine (609) days.

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

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the notice of allowance is 609 days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On October 25, 2011, the Office mailed a "Determination of Patent Term Adjustment under 35 U.S.C. 154(b)," which indicated that the Patent Term Adjustment to date was 687 days. The present request for reconsideration, filed December 16, 2011, was timely filed as it was submitted prior to the submission of the issue fee (submitted on December 21, 2011). See § 1.705(b). Applicants assert that one additional reduction should have been assessed, associated with a response to the mailing of a "Notice

to File Missing Parts of Nonprovisional Application" (hereinafter referred to as "notice") on February 19, 2008.

A review of the application history supports a conclusion that Applicants are correct.

37 CFR 1.704(b) sets forth, *in toto*:

> With respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), and in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.

Moreover, as set forth in 1239 OG 14 (October 3, 2000):

> The three-month period in 1.704(b) applies to the Office notices and letters issued as part of the pre-examination processing of an application (except a Notice of Omitted Items in a Nonprovisional Application (PTO-1669) as discussed above). These notices include... a Notice to File Missing Parts of Application (PTO-1533).

See also MPEP 2732.

The notice was mailed on February 19, 2008, and a response was received three months and 78 days later on August 5, 2008. Consequently, a reduction of 78 days is appropriate.

A reduction of 78 days has been entered.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is 609 (727 days of Office delay minus 118 days of Applicant delay) days.

The Office acknowledges the submission of the $200.00 fee set forth in 37 C.F.R. § 1.18(e). 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)[1] will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

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

Telephone inquiries specific to this matter should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

[1] Applicants have made reference to this on pages 3-4 of this petition.

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

Application Number*: 12024604 Search | Explanation of PTA Calculation | Explanation of PTE Calculation

PTA Calculations for Application: 12024604

Application Filing Date	02/01/2008	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	727
A Delays	727	PTO Manual Adjustment	-78
B Delays	0	Applicant Delay (APPL)	40
C Delays	0	Total PTA (days)	609

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
75	12/27/2011		P028	Adjustment of PTA Calculation by PTO		78	0
55	10/25/2011		MN/=.	Mail Notice of Allowance			0
54	10/20/2011		OAR	Office Action Review			0
53	10/20/2011		OAR	Office Action Review			0
52	10/20/2011		OAR	Office Action Review			0
51	10/20/2011		IREV	Issue Revision Completed			0
50	10/20/2011		DVER	Document Verification			0
49	10/20/2011		N/=.	Notice of Allowance Data Verification Completed			0
48	10/19/2011		EX.R	Reasons for Allowance			0
47	10/19/2011		EX.A	Examiner's Amendment Communication			0
46	10/19/2011		CNTA	Allowability Notice			0
41	08/23/2011		FWDX	Date Forwarded to Examiner			0
36	08/09/2011		EML_NTR	Email Notification			0
35	08/09/2011		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
42	08/08/2011		IDSC	Information Disclosure Statement considered			0
40	08/08/2011	06/29/2011	A...	Response after Non-Final Action		40	30
39	08/08/2011		XT/G	Request for Extension of Time - Granted			0
38	08/08/2011		M844	Information Disclosure Statement (IDS) Filed			0
37	08/08/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
34	08/01/2011		OAR	Office Action Review			0
33	08/01/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
32	03/29/2011		ELC_RVW	Electronic Review			0
31	03/29/2011		EML_NTF	Email Notification			0
30	03/29/2011	04/01/2009	MCTNF	Mail Non-Final Rejection	727		0.5
29	03/24/2011		CTNF	Non-Final Rejection			0
27	01/07/2011		C.AD	Correspondence Address Change			0
26	11/17/2010		DOCK	Case Docketed to Examiner in GAU			0
25	07/28/2009		DOCK	Case Docketed to Examiner in GAU			0
24	06/01/2009		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
20	10/15/2008		OIPE	Application Dispatched from OIPE			0
19	09/25/2008		PA..	Change in Power of Attorney (May Include Associate POA)			0
18	09/25/2008		PGPC	Sent to Classification Contractor			0
17	09/25/2008		FLRCPT.U	Filing Receipt - Updated			0
15	09/12/2008		C.AD	Correspondence Address Change			0
11	08/28/2008		MPTGR	Mail-Petition Decision - Granted			0
10	08/28/2008		PTGR	Petition Decision - Granted			0
28	08/05/2008		IDSC	Information Disclosure Statement considered			0
23	08/05/2008		A.PE	Preliminary Amendment			0
22	08/05/2008		M844	Information Disclosure Statement (IDS) Filed			0
21	08/05/2008		WIDS	Information Disclosure Statement (IDS) Filed			0
16	08/05/2008		FLFEE	Payment of additional filing fee/Preexam			0
13	08/05/2008		OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic			0
12	08/05/2008		CORRDRW	Applicant has submitted new drawings to correct Corrected Papers problems			0
8	08/05/2008		PET.	Petition Entered			0
6	02/19/2008		INCD	Notice Mailed--Application Incomplete--Filing Date Assigned			0
5	02/19/2008		FLRCPT.O	Filing Receipt			0
3	02/06/2008		L194	Cleared by OIPE CSR			0
4	02/01/2008		NPRQ	PGPubs nonPub Request			0
2	02/01/2008		SCAN	IFW Scan & PACR Auto Security Review			0
1	02/01/2008		IEXX	Initial Exam Team nn			0
0.5	02/01/2008		EFILE	Filing date			0

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January 6, 2012

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

In re Application of	:	
Sukhbir Sidhu et al.	:	**DECISION ON PETITION**
Application No. 12024604	:	
Filed: 2/1/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 63250-8001.US01	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) August 5, 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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MOTOROLA MOBILITY, INC
600 NORTH US HIGHWAY 45
W2-55BB
LIBERTYVILLE IL 60048-5343

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AUG 19 2011

OFFICE OF PETITIONS

In re Application of

Raike

Application No. 12/024,614

Filed: February 1, 2008

Attorney Docket No. **RPK00001-C01**

: DECISION ON PETITION

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, February 4, 2011, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on May 5, 2011.

The amendment filed August 5, 2011, is noted.

The request for the extension of time within the third month filed August 5, 2011, is noted but cannot be granted as the request was made outside the maximum statutory period for reply to the non-final Office action. The amount of $1,110.00 will be refunded, in due course.

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

The application is being forwarded to Technology Center 2400, GAU 2438 for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
Stewart Wiener
101 Tournament Drive
Horsham, PA 19044

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

MAILED

JUL 01 2011

OFFICE OF PETITIONS

In re Application of :
Vare et al. :
Application No. 12/024,645 :
Filed: February 1, 2008 :
Attorney Dkt. No. 088245-1268 :
For: DETERMINING GEOGRAPHICAL POSITION IN IPV6 NETWORKS :

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 June 17, 2011. Applicants request that the determination of patent term adjustment be corrected from four hundred three (403) days to six hundred forty-eight (648) 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 after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

---

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

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

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

Charlema Grant
Attorney
Office of Petitions

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Vern Maine & Associates
547 AMHERST STREET, 3RD FLOOR
NASHUA NH 03063-4000

MAILED

MAR 09 2011

OFFICE OF PETITIONS

In re Application of :
Tessier :
Application No. 12/024,711 : DECISION ON PETITION
Filed: February 1, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. CONSP0016-US :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 23, 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 prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v.

Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

The reference to add the prior-filed applications in the first sentence of the specification on page one following the title is also not acceptable as drafted as there is no common inventor between the instant application and the claim sought to be entered into the record. See, 37 CFR 1.78(a)(1).

It is noted that the first sentence of the specification on page one following the title as drafted fails to set forth the status of U.S. App. No. 11/503,651.

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 Attorney Advisor at (571) 272-3205.

Chris Bottorff
Supervisor
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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438 UNIVERSITY AVENUE
SUITE 1500, BOX 111
TORONTO, ON M5G 2K8
CANADA

Mail Date: 08/06/2010

Applicant	: Charles Jolliffe	: DECISION ON REQUEST FOR
Patent Number	: 7659505	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/024,752	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/01/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **170** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Baker Hughes Incorporated
P. O. Box 4740
Houston TX 77210-4740

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OFFICE OF PETITIONS

In re Application of :
DIFOGGIO, et al. : DECISION ON PETITION
Application No. 12/024,823 :
Filed: February 1, 2008 :
Atty. Dkt. No.: OPE4-40444-US :

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

The petition is **GRANTED**.

This application became abandoned July 24, 2010 for failure to timely reply to the Notice of Allowability (Notice) mailed April 23, 2010. The Notice set a three (3) month statutory period of time for reply. Notice of Abandonment was mailed August 6, 2010.

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

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

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.

In view thereof, this application is being forwarded to the Office of Data Management for further processing.

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

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: Paul S. Maden
2603 Augusta Drive, Suite 700
Houston, TX 77057-5662

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

In re Patent No. 7,996,379	:	DECISION ON REQUEST
Jain	:	FOR
Issue Date: August 9, 2011	:	RECONSIDERATION OF
Application No. 12/024,944	:	PATENT TERM ADJUSTMENT
Filed: February 1, 2008	:	and
Atty Docket No. 16113-0788001	:	NOTICE OF INTENT TO ISSUE
	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on October 10, 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 four hundred and ninety-one (491) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by **three hundred and sixty-four (364)days** is **GRANTED to the extent indicated herein.**

The instant petition was filed October 10, 2011. Patentees state, in pertinent part:

> Section 154(b)(1)(B)(i) of Title 35 excludes from the calculation of B Delay "any time consumed by continued examination of the application." In the present matter, Requests for Continued Examination were filed on May 29, and March 22, 2011. The Director erred in the calculation of the patent term adjustment by subtracting from B Delay a period of time that was not "consumed by continued examination of the application." The PTO mailed a Notice of Allowance on April 5, 2011, thereby closing examination of the application on that date. Thus, no continued examination took place during 127 day period from April 5, 2011 (the mailing date of the Notice of Allowance) until

August 9, 2011 (the date the patent was issued). Accordingly, 127 days of "B Delay" should have been included in addition to the 0 days accorded by the Director, for a total "B Delay" of 127 days.

Excerpt taken from "Application for Patent Term Adjustment under 37 CFR 1.705(d)", filed October 10, 2011, pgs. 2-3.

The Office's calculation of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued examination of the application at the request of the applicant under 35 U.S.C. 132(b)[1]. So, with respect to calculating the "B delay" where applicant has filed a request for continued examination, the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

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[1] Pursuant to 35 U.S.C. 132(b), 37 CFR 1.114 provides for continued examination of an application, as follows:

(a) If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:

(1) Payment of the issue fee, unless a petition under § 1.313 is granted;

(2) Abandonment of the application; or

(3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.

(b) Prosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application.

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

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

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

that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

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

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

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, 580 F. Supp.2d 138(D.D.C., September 30, 2008), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the

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

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

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

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

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

By nature, the time used in the course of the examination process continues to issuance of the patent. The examination process involves examining the application to ascertain whether it appears that the applicant is entitled to a patent under the law. See 35 U.S.C. 131 ("[t]he Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor"). If on examination it appears that the applicant is entitled to a patent, the USPTO issues a notice of allowance. See 35 U.S.C. 151 ("[i]f it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant"). If on examination it appears that the applicant is not entitled to a patent, the USPTO issues a notice (an Office action) stating the applicable rejection, objection, or other requirement, with the reasons therefor. See 35 U.S.C. 132 ("[w]henever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such

information and references as may be useful in judging of the propriety of continuing the prosecution of his application"). Neither the issuance of a notice of allowance nor the insurance of an Office action terminates the examination process. If after the issuance of an Office action under 35 U.S.C. 132 it subsequently appears that the applicant is entitled to a patent (e.g., in response to an argument or amendment by the applicant), the USPTO will issue a notice of allowance. Conversely, if after the issuance of a notice of allowance under 35 U.S.C. 151 it subsequently appears that the applicant is not entitled to a patent (e.g., in response to information provided by the applicant or uncovered by the USPTO), the USPTO will withdraw the application from issuance and issue an Office action under 35 U.S.C. 132 stating the applicable rejection, objection, or other requirement, with the reasons therefor.

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

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is pending before the USPTO (i.e., until a patent is granted or the application is abandoned). See 37 CFR 1.56(a) ("[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned"). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures[3]

[3] Thus, on occasion, even where a request for continued examination has already been filed and a notice of allowance issued pursuant to that request, applicant may file a further request for continued examination.

permit the filing of a request for continued examination under 37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

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

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

In this instance, a request for continued examination was filed on November 29, 2010, and the patent issued by virtue of that request on August 9, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on November 29, 2010, and ending on August 9, 2011 is not included in calculating Office delay.

Patentees dispute the period of reduction of 2 days entered for applicant delay, pursuant to 35 U.S.C. § 154(b)(2)(C) and 37 CFR 1.704(b). It is determined that entry of a reduction for this reply timely filed pursuant to 35 U.S.C. §21(b) is not warranted. **Accordingly, the period of reduction of 2 days is being removed.**

Accordingly, the revised patent term adjustment is 364 days (376 days "A" delay + 0 days "B" delay - 0 days of overlap - 12 days of applicant delay.)

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

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

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **three hundred and sixty-four (364)** days.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,996,379 B1

DATED : Aug. 9, 2011

INVENTOR(S) : Jain

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 (362) days

Delete the phrase "by 362 days" and insert – by 364 days--

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MAILED
AUG 23 2011
OFFICE OF PETITIONS

In re Application of :
Harris :
Application No. 12/025,007 : DECISION
Filed: 2 February, 2008 :
Attorney Docket No. ModularHybrid :

This is a decision on the petition filed on 25 July, 2011, for revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b) .

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

Petitioner failed to reply timely and properly to the final Office action mailed on 7 December, 2010, with reply due absent extension of time on or before 7 March, 2011.

The application went abandoned by operation of law after midnight 7 March, 2011.

The Office mailed the Notice of Abandonment on 23 June, 2011.

On 25 July, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, a reply in the form of a Notice of Appeal and fee, and made the statement of unintentional delay.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).

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

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

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2] The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.[3]))

As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

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

[2] 35 U.S.C. §133 provides:

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

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

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

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 3618 in due course to await **the filing by Petitioner of the Appeal Brief and fee due two months from the mail date of this decision**.

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

LAW OFFICE OF IDO TUCHMAN (YOR)
82-70 BEVERLY ROAD
KEW GARDENS, NY 11415

MAILED

AUG 11 2011

OFFICE OF PETITIONS

In re Application of :
Chang Yan Chi, et al. :
Application No. 12/025,020 : ON PETITION
Filed: February 2, 2008 :
Attorney Docket No.: CN920060072US1 :

This is a decision in response to the petition, filed, August 1, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 17, 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 March 18, 2011. A Notice of Abandonment was mailed on July 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 an amendment; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 2453 for appropriate action by the Examiner in the normal course of business on the reply received August 1, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

THE FARRELL LAW FIRM, P.C.
290 Broadhollow Road
Suite 210E
Melville NY 11747

MAILED
JUN 30 2011
OFFICE OF PETITIONS

In re Application of	:	
Fee et al.	:	
Application No. 12/025,028	:	DECISION ON PETITION
Filed: February 2, 2008	:	PURSUANT TO
Attorney Docket No.: 2099-2	:	37 C.F.R. § 1.137(B)
Title: RAPID INTERVENTION DRAG STRETCHER DEVICES	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed April 13, 2011, to revive the above-identified application.

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

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed December 29, 2009, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on March 30, 2010. A notice of abandonment was mailed on July 7, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The

Commissioner may require additional information where there is a question whether the delay was unintentional, and;

(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted an amendment, the petition fee, and the proper statement of unintentional delay. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on April 13, 2011 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[2] All other inquiries concerning this application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

1 See Rule 1.137(d).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

MAILED

AUG 3 0 2010

OFFICE OF PETITIONS

In re Application of :
Martin HARGEL :
Application No. 12/025,068 : DECISION ON PETITION
Filed: February 4, 2008 : TO WITHDRAW
Attorney Docket No. 674912000500 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 28, 2010.

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

A review of the file record indicates that the power of attorney to Robert Saltzberg and the attorneys of record associated with Customer No. 20872, has been revoked by the assignee of the patent application on August 20, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

cc: FLIR SYSTEMS AB
P.O. BOX 3
DANDERYD SE-182 SWEDEN

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
12/025,068	02/04/2008	Martin Hargel	674912000500

CONFIRMATION NO. 1577

POWER OF ATTORNEY NOTICE

20872
MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

OC000000043265781

Date Mailed: 08/30/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/20/2010.

- 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).

/dcgoodwyn/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

MAILED

AUG 13 2010

OFFICE OF PETITIONS

In re Application of :
Kunio Yamamiya :
Application No. 12/025,188 : DECISION ON PETITION
Filed: February 4, 2008 :
Attorney Docket No.: SAS2-PT108 :

This is a decision on the petition, filed August 10, 2009, requesting withdrawal of the holding of abandonment in the above-identified application under the provisions of 37 CFR 1.181 (no fee).

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before June 23, 2009, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed March 23, 2009.

Petitioner asserts that the Notice dated March 23, 2009 was not received.

A review of the application file reveals no irregularities in the mailing of the Notice mailed March 23, 2009. Thus, there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. This presumption may be overcome by a showing that the Notice of Allowance was not in fact received.

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

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.

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

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

This application is being referred to the Technology Center AU 3768 technical support staff for **re-mailing** the Notice of Allowability and the Notice of Allowance and Fee(s) Due of March 23, 2009. 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.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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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BOSE MCKINNEY & EVANS LLP
111 MONUMENT CIRCLE, SUITE 2700
INDIANAPOLIS IN 46204

MAILED
FEB 11 2011
OFFICE OF PETITIONS

In re Application of	:	
Johnson, Scott Andrew	:	
Application No. 12/025,218	:	ON PETITION
Filed: February 4, 2008	:	
Attorney Docket No. 20505-0001	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed January 6, 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 $810.00, and (3) a proper statement of unintentional delay.

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BUCHALTER NEMER
18400 VON KARMAN AVE.
SUITE 800
IRVINE, CA 92612

MAILED
DEC 16 2010
OFFICE OF PETITIONS

In re Application of :
Kendal G. Hamilton :
Application No. 12/025,245 : DECISION ON PETITION
Filed: February 4, 2008 :
Attorney Docket No. H1026-0305 :

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

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed March 23, 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 24, 2010.

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

In view of the above, the petition is **GRANTED**.

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

This application is being referred to Technology Center AU 3633 for appropriate action by the Examiner in the normal course of business on the reply received October 14, 2010.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TEXAS INSTRUMENTS INCORPORATED
P. O. BOX 655474, M/S 3999
DALLAS, TX 75265

MAILED

OCT 04 2011

OFFICE OF PETITIONS

In re Application of :
CHIH-CHUNG CHEN et al :
Application No. 12/025,332 : DECISION ON PETITION
Filed: February 4, 2008 :
Attorney Docket No. TI-64803 :

This is a decision on the petition, filed April 7, 2011, to expunge information from an application and to correct the file contents above identified application. The petition will be considered under 37 CFR 1.59(b).

The petition is **GRANTED**.

Petitioner, in substance, requests that the instant application contents be corrected to show that the communication to the Office April 5, 2011, was designated to be scanned into an unrelated application pending in the Office.

A review of the file indicates that sufficient status identifiers were submitted with the communication filed April 5, 2011, to demonstrate a response designated for another application. The copy of the submitted response filed with the petition has been scanning into the correct application file. Accordingly, the petition is granted.

In a paper file, the unintentionally submitted exhibits could, but not necessarily would, have been physically removed from the file wrapper and returned to applicant. In the IFW realm the corresponding action(s) is to close the document and also remove such from the listing of "Publicly available Documents." It is agreed that it would be appropriate in this instance to close the information in application serial no. 12/025,332 that was erroneously filed in the above identified application, and also remove such from the listing of publicly available documents for this Image File Wrapper (IFW).

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

Telephone inquiries concerning this communication should be directed to the undersigned at 571-272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions

8-12-2010

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Patent No : 7,682,675 B2
Application No: 12/025,348
Issued : March 23, 2010
Inventor : Birgit Boge

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 1.323.

Respecting the alleged error, on the title page item (30), acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). the certified copy of the priority documents have not been received or any papers. 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.) R1.322 or R1.323.

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

A certificate of correction will issue to correct the remaining error noted in your request.

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
Decisions & Certificates
of Correction Branch
(703) 756-1583 or 1580

Marcus P. Doce
Price, Heneveld, Cooper, DeWitt & Litton
P.O. Box 2567
Grand Rapids, MI 49501

ej

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.
12/025,370	02/04/2008	Carlos J. BLASCO REMACHA	R.317783	1124

2119 7590 03/26/2012

RONALD E. GREIGG
GREIGG & GREIGG P.L.L.C.
1423 POWHATAN STREET, UNIT ONE
ALEXANDRIA, VA 22314

EXAMINER	
POPOVICS, ROBERT J	

ART UNIT	PAPER NUMBER
1778	

MAIL DATE	DELIVERY MODE
03/26/2012	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

MAR 26 2012

CST

In re application of :
Carlos J. Blasco Remacha et al :
Serial No. 12/025,370 : DECISION ON PETITION
Filed: February 4, 2008 :
For: FILTER DEVICE, IN PARTICULAR :
FLUID FILTER, WITH A HEATER :

This is a decision on the PETITION UNDER 37 C.F.R. 1.181, filed March 12, 2012, requesting that the translation of the foreign priority document submitted January 27, 2012 be considered by the examiner.

A final rejection was mailed on July 29, 2011 in which claims 1-21 were rejected under 35 U.S.C. 102(a and/or e) as anticipated by or, in the alternative, as obvious over WO 2007/020179.

On January 27, 2012, applicant filed an English language translation of German priority document 102007005771.9. On March 1, 2012, an Advisory Action was mailed indicating that the affidavit, that is the English language translation of the foreign priority document, was not entered because applicant failed to provide good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented.

As it can be reasonably expected that an applicant may file an English language translation of their foreign priority document to overcome a rejection under either 35 U.S.C. 102(a and/or e) per MPEP 706.02(b), and as any amendment that will place the application either in condition for allowance or in better form for appeal may be entered per MPEP 714.12, it appears that the English language translation of German priority document 102007005771.9 should have been entered and considered by the examiner.

The petition is **GRANTED**.

The application will be returned to the examiner for entry of the English language translation of German priority document 102007005771.9 and consideration of whether this translation overcomes the rejection of claims 1-21 under 35 U.S.C. 102(a and/or e) as anticipated by or, in the alternative, as obvious over WO 2007/020179.

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

UNITED STATES 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 21, 2011

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
Cho, Eun Hyoung et al	:	**DECISION ON PETITION**
Application No.12/025,375	:	
Filed: 02/04/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No.Q101494	:	***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) May 08, 2008.

The petition is **GRANTED**.

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED

NOV 18 2010

OFFICE OF PETITIONS

In re Application of
S. Paul Lee, et al.
Application No. 12/025,488
Filed: February 4, 2008
Attorney Docket No. 2305.0370002

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, November 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 October 12, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1614 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/025,488	02/04/2008	S. Paul Lee	2305.0370002/TJS/THN	1360

26111 7590 09/19/2011

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

EXAMINER	
WEDDINGTON, KEVIN E	

ART UNIT	PAPER NUMBER
1629	

MAIL DATE	DELIVERY MODE
09/19/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 1 9 2011

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

In re Application of LEE ET AL.
Appl. No.: 12/025,488
Filed: February 04, 2008
For: Use of a TRPM5 Inhibitor to Regulate Insulin and GLP-1 Release

WITHDRAWAL FROM ISSUE
37 CFR 1.313

The purpose of this communication is to inform you that the above identified application is being withdrawn from issue pursuant to 37 CFR 1.313.

The application is being withdrawn to permit reopening of prosecution. The reasons therefor will be communicated to you by the examiner.

U.S. Patent and Trademark Office records reveal that the issue fee and the publication fee have not been paid. If the issue fee and the publication fee have 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 Fees Due, applicant may request that the previously submitted issue fee and publication fee be applied toward payment of the issue fee and publication fee in the amount identified on the new Notice of Allowance and Issue and Publication Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a specified Deposit Account.

The application is being forwarded to the examiner for action.

Remy Yucel
Director
Patent Examining Technology Center 1600

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

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

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of	:	
Thorsten von Eicken et al.	:	
Application No. 12/025,519	:	DECISION ON PETITION
Filed: February 4, 2008	:	TO WITHDRAW
Attorney Docket No. 2008244-0002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 12, 2010.

The request is **NOT APPROVED.**

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

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

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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ADVANTIA LAW GROUP
9035 SOUTH 1300 EAST
SUITE 200
SANDY, UT 84094

MAILED

JUL 01 2011

OFFICE OF PETITIONS

In re Application of David Hall :
Application No. 12/025,616 : Decision on Petition
Filing Date: February 4, 2008 :
Attorney Docket No. 3201.2.4 CIP :

This is a decision on the petition under 37 CFR 1.137(b) filed June 14, 2011, and supplemented June 15, 2011, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 19, 2010, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on April 20, 2010. A Notice of Abandonment was mailed October 4, 2010.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(2) The petition fee, and
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.[1]

The petition satisfies the requirements of 37 CFR 1.137(b) in so far as petitioner has supplied (1) a reply in the form of an amendment, (2) the required petition fee of $810, and (3) the required statement of unintentional delay. Therefore, the petition is granted and the application is revived.

[1] A terminal disclaimer is also necessary if the application is a design application or if the application was filed on or before June 8, 1995.

Technology Center Art Unit 3728 will be informed of the instant decision and the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

22 SEP 2010

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P.O. Box 1450
Alexandria, VA 22313-1450
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Stevens Law Group
1754 Technology Drive
Suite #226
San Jose CA 95110

In re Application of :
FANG :
Application No.: 12/025,683 :
Filing Date: 04 February 2008 : DECISION
Attorney's Docket No.: AFDC-00200 :
For: METHOD FOR TERMINALS TO SWITCH:
THE REVERSE TRAFFIC CHANNELS IN CDMA:
GROUP CALL SERVICE :

This is a decision on Petitioner's "Petition Under 37 CFR 1.78(a)(3)", filed 11 May 2010, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 365(c) for the benefit of priority to prior-filed PCT Application No. PCT/CN05/01400 filed on 05 September 2005.

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 instant petition does not comply with item (1).

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation,

divisional, or continuation-in-part of a prior-filed nonprovisional application. A reference in compliance with 37 CFR 1.78(a)(2)(i) is needed since the proper relationship, which includes the type of continuing application, is not stated. See Manual of Patent Examining Procedure, (8th ed., Revision 7 (July 2008)), Section 201.11, Reference to Prior Application(s). The specific reference must indicate whether the application is a continuation, divisional or continuation-in-part of the international application PCT/CN05/01400. The petition cannot be granted until the proper reference is submitted.

Accordingly, before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) and an appropriate amendment or properly signed Supplemental Application Data Sheet titled in accordance with 37 CFR 1.76(c)(2) is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office";

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

By hand: Customer Window located at:
Mail Stop PCT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: 571-273-0459
ATTN: Office of PCT Legal Administration

Any questions concerning this matter may be directed to Cynthia Kratz at (571) 272-3286.

Byran Lin
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 10 2011

PCT LEGAL ADMINISTRATION

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P.O. Box 1450
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www.uspto.gov

Stevens Law Group
1754 Technology Drive
Suite #226
San Jose CA 95110

In re Application of :
FANG :
Application No.: 12/025,683 :
Filing Date: 04 February 2008 : DECISION
Attorney's Docket No.: AFDC-00200 :
For: METHOD FOR TERMINALS TO SWITCH:
THE REVERSE TRAFFIC CHANNELS IN CDMA:
GROUP CALL SERVICE :

This is a decision on Petitioner's "Petition 37 CFR 1.78", filed 30 September 2010, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 365(c) for the benefit of priority to prior-filed PCT Application No. PCT/CN2005/001400 filed on 05 September 2005.

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.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed international application has been included in an application data sheet, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains an acceptable 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 365(c) to the prior-filed PCT application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this instant application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to Cynthia M. Kratz at (571) 272-3286. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 2472 for appropriate action, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. 120 to the prior-filed international application.

/Bryan Lin/
Bryan Lin
Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/025,691	02/04/2008	Alysia M. SAGI-DOLEV	QYLU16660-2P US	1740

90323 7590 08/01/2011

Innovation Counsel LLP
21771 Stevens Creek Blvd
Ste. 200A
Cupertino, CA 95014

EXAMINER	
SHAH, SAMIR M	
ART UNIT	PAPER NUMBER
2856	
MAIL DATE	DELIVERY MODE
08/01/2011	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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Innovation Counsel LLP
21771 Stevens Creek Blvd
Ste. 200A
Cupertino, CA 95014

AUG 1 2011

In re Application of :
SAGI-DOLEV :
Application No. 12/025,691 :
Filed: February 04, 2008 :
Attorney Docket No. QYLU16660-2P US :
Application Title: MULTI-THREAT DETECTION PORTAL :

DECISION ON PETITION TO MAKE SPECIAL FOR ACCELERATED EXAMINATION

This is a decision on the petition filed on March 16, 2011, to make the above-identified application "special" for accelerated examination under 37 CFR 1.102(c)(2)(iii).

The petition to make the application special is **DENIED**.

Any petition to make "special", other than those based on applicant's health, age, or the Patent Prosecution Highway ("PPH") pilot program, for an application filed *prior to August 26, 2006* must meet the requirements set forth in MPEP § 708.02 (I-II and V-XII).

Any petition to make "special", other than those based on applicant's health, age, or PPH pilot program, for an application filed *on or after August 26, 2006* must the requirements for Accelerated Examination as set forth in MPEP § 708.02(a) [see also *Changes to Prac. for Pet. in Pat. Apps. to Make Spec. and for Accel. Exam.*, 71 Fed. Reg. 36323, June 26, 2006.]:

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the application does not contain three or fewer independent claims and twenty or fewer total claims, all directed to a single invention.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Information about the current accelerated examination procedure may be obtained from the USPTO website at http://www.uspto.gov/web/patents/accelerated. Any inquiry regarding this decision should be directed to Colleen Dunn at (571) 272-1170.

/Colleen Dunn/

Colleen Dunn
Quality Assurance Specialist
Technology Center 2800

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

MAILED

SEP 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Drygin et al.	:	DECISION ON PETITION
Application No. 12/025,705	:	TO WITHDRAW
Filed: February 4, 2008	:	FROM RECORD
Attorney Docket No. CYLE-026/08US 039955-2185	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 3, 2010.

The request is **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 25225 was revoked by the assignee of the patent application on August 6, 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: COOLEY LLP
ATTN: PATENT GROUP
SUITE 1100
777 - 6TH STREET, NW
WASHINGTON DC 20001

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 28 2011
OFFICE OF PETITIONS

CAREFUSION C/O WAGNER BLECHER LLP
123 Westridge Drive
Watsonville CA 95076

In re Application of :
Scott R. Mallett et al. :
Application No. 12/025,712 : DECISION ON PETITION
Filed: February 4, 2008 :
Attorney Docket No. VESMED.059A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 13, 2011, to revive the above-identified application.

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 May 24, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed February 24, 2011. Accordingly, the date of abandonment of this application is May 25, 2011. A Notice of Abandonment was mailed on June 10, 2011.

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

As to item (1), the reply in the form of payment of the issue and publication fee. In order to satisfy the required reply, these fees must be paid. If a notice of allowance is mailed in the future, these fees paid can be applied at that time.

Also, In a view of the application file, the status of this application is placed in a small entity status. The petition filing fee ($1,860) and the RCE fee ($930) were paid at the large entity rate. If the entity status in this application has changed, then a written assertion should be made by way of a petition under 37 CFR 1.28. Therefore, the Office cannot accurately charge the deposit account as authorized.

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

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

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

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

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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CAREFUSION C/O WAGNER BLECHER LLP
123 Westridge Drive
Watsonville CA 95076

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JAN 09 2012
OFFICE OF PETITIONS

In re Application of	:	
Scott R. Mallett et al.	:	
Application No. 12/025,712	:	DECISION ON PETITION
Filed: February 4, 2008	:	
Attorney Docket No. VESMED.059A	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 28, 2011, to revive the above-identified application, filed concurrently a petition under 1.28 to change entity status.

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

This application became abandoned for failure to timely pay the issue and publication fees on or before May 24, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed February 24, 2011. Accordingly, the date of abandonment of this application is May 25, 2011. A Notice of Abandonment was mailed on 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 RCE (Request for Continued Prosecution) with the required fee of $930, issue fee of $1,740 and publication fee of $300, (2) the petition fee of $1,860, and (3) a proper statement of unintentional delay. Accordingly, the RCE, issue and publication fee are accepted as being unintentionally delayed.

The petition under 37 CFR 1.28(c) is **GRANTED**.

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

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

This application is being referred to Technology Center AU 3651 for appropriate action by the Examiner in the normal course of business on the RCE received October 13, 2011.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions

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

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of	:	
SULLENDER	:	
Application No. 12/025,738	:	DECISION ON PETITION
Filed: February 4, 2008	:	TO WITHDRAW
Attorney Docket No. EY1-0003US	:	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 28, 2011.

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

A review of the file record indicates that the power of attorney to Lewis C. Lee and the attorneys associated with Customer No. 29150, has been revoked by the assignee of the patent application on January 4, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: MICHAEL A. ERVIN
8202 TALBOT COVE
AUSTIN TX 78746

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CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON, DC 20006

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SEP 12 2011
OFFICE OF PETITIONS

In re Patent No.: 7,859,681	:	
Issue Date: December 28, 2010	:	
Application No.: 12/025,795	:	DECISION ON PETITION
Filed: February 5, 2008	:	
Attorney Docket No.: 22106-00178-US	:	

This is a decision on the petition under 37 CFR 1.182, filed August 25, 2011, requesting issuance of a duplicate Letters Patent for the above-identified patent. The $400 petition fee has been paid.

The petition is **GRANTED**.

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

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Ollie Person in the Office of Data Management at (703) 756-1555.

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

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: Ollie Person, RSQ, 9th Floor, Room D30-A (Fax No. 571-270-9764)

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ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST - RIM
255 S. ORANGE AVENUE
SUITE 1401
ORLANDO, FL 32801

MAILED

FEB 18 2011

OFFICE OF PETITIONS

In re Application of :
Lizhong Zhu, et al. :
Application No.: 12/025,837 : ON PETITION
Filed: February 5, 2008 :
Attorney Docket No.: 30008-US-CNT (85032-CON1) :

This is a decision on the petition, filed February 16, 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 January 26, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The application is being referred to Technology Center AU 2617 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/SDB/

Sherry D. Brinkley
Petitions Examiner

[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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VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

MAILED

JAN 28 2011

OFFICE OF PETITIONS

In re Application of :
CHRISS, AARON :
Application No. 12/025,854 : DECISION ON PETITION
Filed: 02/05/2008 :
Attorney Docket No. INA-PT212.1 (5472-18-US) :

This is a decision on the petition under 37 CFR 1.137(a), filed October 15, 2010, to revive the above-identified application.

On March 2, 2010, the Office mailed a final Office action, which set a three-month shortened statutory period to reply. In the apparent absence of a timely and proper reply, the application became abandoned on June 3, 2010. On September 14, 2010, the Office mailed a Notice of Abandonment. On October 15, 2010, petitioner filed the present petition. Petitioner asserts unavoidable delay in that the final Office action, mailed March 2, 2010, was never received.

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.

(2) the petition fee as set forth in § 1.17(l);

(3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and

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

This petition lacks items (1) and (3) above.

The Examiner has reviewed the amendment filed October 15, 2010, in response to the final Office action and has issued an Advisory Action Before the Filing of an Appeal Brief, which is enclosed. As stated in the Advisory Action, the Examiner has concluded that the amendment failed to place this application in condition for allowance. For this reason, there is no dispute that the application is abandoned for failure to submit a proper reply to the final Office action.

Furthermore, the showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).[1] Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[2]

A response to a final Office action may be entered if it presents an amendment that *prima facie* places the application in condition for allowance. However, the admission or refusal to admit any amendment after final, and any related proceedings, will not operate to relieve the application from its condition subject to appeal or save the application from abandonment under 37 CFR 1.135.[3] Further, the entry of an after-final amendment is not a matter of right, and it is incumbent upon an applicant to take steps to ensure against abandonment of an application.

In the present case, the record reveals that petitioner did not take appropriate action to ensure that a proper response was timely filed so as to prevent the application from becoming abandoned. It is regrettable that the Office did not mail an Advisory Action until after the six month statutory period ran; however, it is clear from 37 CFR 1.116 that abandonment of an application is risked when an amendment after a final Office action is filed. Abandonment takes place by operation of law for failure to timely submit a proper reply to an Office action, not by the mailing of an Advisory Action.[4] This rule clearly indicates that the mere filing of an amendment does not save the application from abandonment. Only the filing of a Notice of Appeal, a Request for Continued Examination accompanied by a proper submission, or a continuing application guarantees the pendency of the application, not filing an amendment after final rejection. Thus, the application became abandoned due to petitioner's failure to file a Notice of Appeal, RCE and submission, or continuing application prior to the expiration of the time period for reply to the final Office action and not because of any error on the part of the U.S. Patent and Trademark Office.

Petitioner has not provided a sufficient showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition

---

[1] See MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay.

[2] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

[3] See 37 CFR 1.116.

[4] MPEP 711.03(c). See Lorenz v. Finkl, 333 F.2d 885, 889-90, 142 USPQ 26, 299-30 (CCPA 1964); Krahn v. Comm'r, 15 USPQ2d 1823, 1824 (E.D. Va. 1990); In re Application of Fischer, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1984).

pursuant to 37 CFR 1.137(a) was unavoidable. Moreover, petitioner has not submitted a proper reply to the outstanding final Office action. Accordingly, the petition under 37 CFR 1.137(a) is **dismissed**.

Any request for reconsideration must be filed within TWO (2) MONTHS from the mailing date of this decision. The request should be entitled "Renewed Petition under 37 CFR 1.137(a)." Any extensions of time will be governed by 37 CFR 1.136(a).

In the alternative, petitioner may wish to file a petition under 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The required reply to the outstanding Office action;

(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 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 FAX: (571) 273-8300
Attn: Office of Petitions

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

Correspondence may also be submitted electronically via the EFS-Web System.

Telephone inquiries related 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

Enclosure: Advisory Action Before the Filing of an Appeal Brief (2 pages)

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 12/025,854	**Applicant(s)** CHRISS, AARON	
	Examiner PHILLIP A. JOHNSON	**Art Unit** 3656	

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

THE REPLY FILED 15 October 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

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

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

NOTICE OF APPEAL

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

AMENDMENTS

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

   NOTE: _____. (See 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: 1,4,5 and 7-11.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

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

REQUEST FOR RECONSIDERATION/OTHER

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

/PHILLIP A. JOHNSON/
Examiner, Art Unit 3656

Continuation of 11. does NOT place the application in condition for allowance because: The Applicant's arguments are found non-persuasive. The Applicant alleges, "one of ordinary skill in the art would also note that attempting to combine Hofmann with McKee would not result in the claimed invention as both outer races (6, 7) of the angular contact ball bearings of Hofmann are axially slidable due to the spring. This would defeat the purpose of the present invention in providing two different types of ball bearings with one being a three-point ball bearing which is fixed in position in order to be able to transfer and absorb axial forces in two directions. See paragraph [0018] of the application as filed. Thus, attempting to substitute the axial biasing of Hofmann into the present arrangement would be contrary to the teaching of Hofmann where the axial biasing allows both of the outer rings (6, 7) of the two bearings to be shiftable axially. Further, one of ordinary skill in the art would recognize that having axially shiftable outer rings for two bearings as suggested by Hofmann is contrary to the teachings of both McKee and DE '194 where the outer rings are fixed in position and accordingly, these references would not be obvious to combine in the manner suggested in the Action." The Examiner respectfully disagrees. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In the instant case, though Hoffman's device discloses two axially dispaceable outer rings, it would not be beyond the creativity of one of ordinary skill to the art to apply the concept to the device of Gosin that features only one axially displaceable outer ring. Hoffman teaches the concept of axially biasing an outer ring for the purpose maintaining the spacing of the outer ring during ball mounting, thereby preventing ball escapement and damage (col. 1, lines 36-55). Incorporating this concept to Gosin's device would not involve a non-obvious modification, since the Gosin's device discloses an outer ring 28 provided in a recess of bearing carrier 30. As such, one of ordinary skill would recognize the concept of Hoffman as an improvement to the device of Gosin. Moreover, claim 1 does not prevent both outer rings from being displaceable. The claim only requires the outer ring for the three-point contact bearing to be "provided in the bearing carrier." The claim provides no specificity (e.g. slideable, fixed, etc.) as to the manner in which the outer ring is provided in the bearing carrier. Final rejection maintained.

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TUNG & ASSOCIATES
Suite 120
838 W. Long Lake Road
Bloomfield Hills MI 48302

MAILED

JAN 25 2011

OFFICE OF PETITIONS

In re Application of :
Liangji Xu et al. :
Application No. 12/025,899 : DECISION ON PETITION
Filed: February 5, 2008 :
Attorney Docket No. 07-1015 (82,000-144) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 22, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed, June 3, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 4, 2010. A Notice of Abandonment was mailed on December 10, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination, with the required fee of $810, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,730 extension of time fee submitted with the petition on December 22, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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

This application is being referred to Technology Center AU 2123 for appropriate action by the Examiner in the normal course of business on the RCE December 22, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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MARCO AURELIO DOS SANTOS BERNARDES
APT. 201
RUA DEPUTADO BERNARDINO SENA FIGUEIREDO 592
BELO HORIZONTE, MG 31170-210 BR BRAZIL

MAILED
FEB 01 2012
OFFICE OF PETITIONS

In re Application of :
MARCO AURELIO DOS SANTOS :
BERNARDES : DECISION ON PETITION
Application No. 12/025,912 :
Filed: February 5, 2008 :
Attorney Docket No.

This is a decision on the petition filed in the above-identified application.

The petition is **DISMISSED**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unavoidable delay or to accept an unavoidably delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $930. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. See 37 CFR 1.27.

The petition in the above-identified application was **not** accompanied by payment of the required fee. No consideration on the merits can be given that petition until the required fee is received.

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

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
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By hand: Customer Service Window
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Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Telephone inquiries concerning this matter may be directed to the April M. Wise at (571) 272-1642.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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XILINX, INC
ATTN: LEGAL DEPARTMENT
2100 LOGIC DR
SAN JOSE, CA 95124

MAILED
MAR 30 2011
OFFICE OF PETITIONS

In re Application of :
Kiarash AMIRI, et *al.* :
Application No. 12/025,971 : DECISION GRANTING PETITION
Filed: February 5, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **X-2886 US** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 29, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 25, 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 2611 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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XILINX, INC
ATTN: LEGAL DEPARTMENT
2100 LOGIC DR
SAN JOSE, CA 95124

MAILED

APR 28 2011

OFFICE OF PETITIONS

In re Application of :
Kiarash AMIRI, et *al.* :
Application No. 12/025,971 : DECISION GRANTING PETITION
Filed: February 5, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **X-2886 US** :

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 8, 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 2611 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : February 28, 2012

In re Application of :

David Chang

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12025981

Filed : 05-Feb-2008

Attorney Docket No : SVL920070139US1

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed February 28, 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 2156 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	12025981
Filing Date	05-Feb-2008
First Named Inventor	David Chang
Art Unit	2156
Examiner Name	AUGUSTINE OBISESAN
Attorney Docket Number	SVL920070139US1
Title	GLOBAL, DYNAMIC, REMOTE AND CENTRAL SYSTEM FOR DATABASE DRIVER CONFIGURATION

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	/Rabindranath Dutta/
Name	Rabindranath Dutta
Registration Number	51010

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/1/10 Paper No.: —

TO SPE OF : ART UNIT 1776

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/026004 Patent No.: 7771513 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

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

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

Comments: _____

DUANE SMITH
SUPERVISORY PATENT EXAMINER

1-19-11

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MAR 14 2011

OFFICE OF PETITIONS

SCOTT C. RAND, ESQ.
MCLANE, GRAF, RAULERSON & MIDDLETON, PA
900 ELM STREET, P.O. BOX 326
MANCHESTER NH 03105-0326

In re Application of :
Kessell et al. :
Application No. 12/026134 :
Filing or 371(c) Date: 02/05/2008 : ON PETITION
Attorney Docket Number: 80647 :

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

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

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

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

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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GARLICK HARRISON & MARKISON
P.O. BOX 160727
AUSTIN TX 78716-0727

MAILED

SEP 21 2011

OFFICE OF PETITIONS

In re Application of :
Tsung-Hsien Lin :
Application No. 12/026,164 : ON PETITION
Filed: February 5, 2008 :
Attorney Docket No. BP2349C1RE1 :

This is in response to the petition filed September 13, 2011, under 37 CFR § 1.47 which is being treated as a request under 37 CFR 1.183 to waive the signature requirements of 37 CFR 1.64.

The petition is **GRANTED.**

Petitioner has shown that the inability to again obtain the signature from the originally signing inventor Tsung-Hsien Lin is, not withstanding the exercise of reasonable care and diligence, due to circumstances beyond his control. Accordingly, the declaration submitted concurrently with the instant petition will be accepted.

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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DEC 08 2010

OFFICE OF PETITIONS

MORRIS MANNING MARTIN LLP
3343 PEACHTREE ROAD, NE
1600 ATLANTA FINANCIAL CENTER
ATLANTA GA 30326

In re Application of :
Masaru, et al. :
Application No. 12/026,167 : ON PETITION
Filed: February 5, 2008 :
Attorney Docket No. 14970-70444 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 16, 2010, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned July 20, 2010 for failure to timely submit a proper reply to the final Office action mailed April 19, 2010. The final Office action set a three month shortened statutory period of time for reply. No petition for extension of time pursuant to 37 CFR 1.136(a) was filed. Notice of Abandonment was mailed November 15, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

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

This application is being referred to Technology Center AU 2871 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

/ALESIA M. BROWN/

Alesia M. Brown
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

FEB 13 2012

OFFICE OF PETITIONS

Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111

In re Application of :
Matsukawa, et al. : DECISION ON PETITION
Application No. 12/026,251 :
Filed: February 5, 2008 :
Atty. Dkt. No.: 16169.68 :

This decision is in response to the petition to revive under 37 CFR 1.137(a), filed January 25, 2012.

The application became abandoned August 12, 2011 for failure to timely submit a proper reply to the non-final Office action mailed May 11, 2011. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed November 25, 2011.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item(s) (3).

The instant petition fails to comply with requirements (3) set forth above.

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 Commissioner 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 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 attributes the abandonment of the application to non-receipt of the non-final Office action mailed May 11, 2011 as a result of mail tampering at the correspondence address to which the non-final Office action was mailed.

The petition has been carefully considered, but is not found persuasive.

The showing required to establish non-receipt of an Office communication must include a statement from the petitioner 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. Petitioner 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 petitioner where the non-received Office action would have been entered had it been received is required. A copy of the petitioner's record(s) required to show non-receipt of the Office action should include the master docket. 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 petitioner 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 reviewed but are not persuasive. Petitioners have included copies of records. However, petitioners fail to indicate that the copy of documents included are in fact a copy of the "Master Docket" for practitioner's office. Accordingly, non-receipt of the Office communication cannot be concluded at this time.

Any request for reconsideration must advise as to the availability of a "Master Docket." See, MPEP 711.03(c) for further guidance.

Accordingly, the petition under 37 CFR 1.137(a) 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 1.137(a)." This is not a final agency decision.

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

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

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

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

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/026,283	02/05/2008	Hitoshi Komoriya	1924.79973	2797

7590 11/04/2010

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER	
ASHFORD, TAMARA R	

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

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

The Caldwell Firm, LLC
PO Box 59655
Dept. SVIPGP
Dallas TX 75229

MAILED
JAN 03 2012
OFFICE OF PETITIONS

In re Application of	:	
Daniel C. Smith, et al.	:	
Application No. 12/026,286	:	DECISION GRANTING PETITION
Filed: February 5, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. SVIPGP127	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 29, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 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 Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2443 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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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.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/26/10

TO SPE OF : ART UNIT 2185

SUBJECT : Request for Certificate of Correction for Appl. No.: 12026334 Patent No.: 7484072

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

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

Lamonte Newsome
Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

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

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

Comments: _____

SANJIV SHAH
SPE

2185
Art Unit

Id Trademark Office

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LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

MAILED
JAN 31 2012
OFFICE OF PETITIONS

In re Application of :
Fischer :
Application No. 12/026,379 : DECISION ON PETITION
Filed: February 5, 2008 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 2101-3366 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed January 20, 2012, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

This pending nonprovisional application was filed on February 5, 2008, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/888,742, which was filed on February 7, 2007, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date. See 35 U.S.C. § 132(a). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 119(e)

after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See, Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, are required.

Receipt is acknowledged of the fee required by 37 CFR 1.78(a)(6)(ii).

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

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

MAILED

MAR 13 2012

OFFICE OF PETITIONS

In re Application of :
Fischer :
Application No. 12/026,379 : DECISION ON PETITION
Filed: February 5, 2008 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 2101-3366 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed February 16, 2012, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **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, was mailed on February 17, 2012.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3205. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Data Management 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.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

MAILED

APR 21 2011

OFFICE OF PETITIONS

In re Application of :
Mergel et al. :
Application No. 12/026,401 : DECISION ON PETITION
Filed: February 5, 2008 :
Attorney Docket No. :
SDIYPL.201AUS/SD29849US/E

This is a decision on the petition, filed March 4, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application. In the alternative, consideration under 37 CFR 1.137(b) is requested.

The petition under 37 CFR 1.181 is **DISMISSED**.
The petition under 37 CFR 1.137(b) 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 timely pay the issue fee on or before February 10, 2010, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed November 10, 2010. A Notice of Abandonment was mailed on February 25, 2011.

Applicants contend that the issue fee was submitted on November 9, 2010 in response to the Notice of Allowance mailed on August 10, 2010. Following the mailing of the payment of the issue fee, the Office mailed a second Notice of Allowance dates November 10, 2010. The November 10, 2010 Notice of Allowance indicated that the Office action of October 27, 2010 was an accidental Miscellaneous Communication. Instead a Notice of Allowance corresponding to a request for continued examination should have been mailed. Applicants state that they called the examiner regarding the second Notice of Allowance, and they were informed that the examiner did not feel any response to the second Notice of Allowance would be necessary. As such applicants contend that the submission of the issue fee was sufficient for the application to be granted.

Petitioners' argument has been considered but deemed unpersuasive. The Notice of Allowance and Fees Due, requires that even if the fees were previously paid, the return of Part B of the Issue fee Transmittal form will be treated as a request to reapply the previously paid issue fee.

Petitioner failed to reply to the November 10, 2010 Notice of Allowance, which resulted in the abandonment of the application.

Petition under 37 CFR 1.137(b)

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a request to reapply the payment of the $1510 issue and publication fees of $300, (2) the petition fee of $1620; and (3) a statement of unintentional delay.

Deposit account no. 11-1410 will be assessed the $1620.00 petition fee.

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

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

Charlema Grant
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/26/10

TO SPE OF : ART UNIT 2837

SUBJECT : Request for Certificate of Correction for Appl. No.: 12026406 Patent No.: 7484598

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

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

Lamonte Newsome
Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

_____

_____

/Walter Benson/ AU 2837

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/26/10

TO SPE OF : ART UNIT 2837

SUBJECT : Request for Certificate of Correction for Appl. No.: 12026406 Patent No.: 7484598

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

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

Lamonte Newsome
Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

_____

_____

/Walter Benson/ AU 2837

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE

Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WEAVER AUSTIN VILLENEUVE & SAMPSON LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

MAILED

SEP 13 2011

OFFICE OF PETITIONS

In re Application of :
Erik Karrer, et al. :
Application No. 12/026,412 : ON PETITION
Filed: February 5, 2008 :
Attorney Docket No.: MXGNP015C2US / :
0241us330 :

This is a decision on the petition under 37 CFR 1.137(b), filed August 26, 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 mailed December 14, 2010. A Notice of Abandonment was mailed on June 20, 2011. On August 26, 2011, the present petition was filed.

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).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including the fee of $810 and the submission required by 37 CFR 1.114; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay[1].

This application is being referred to Technology Center AU 1643 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.

[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).

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

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

MAILED

MAY 20 2011

OFFICE OF PETITIONS

In re Application of :
Saadat et al. :
Application No. 12/026,455 : DECISION GRANTING PETITION
Filed: February 5, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. VYMDNZ01700 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed March 22, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 11/259,498, filed October 25, 2005, as set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

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

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

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

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the above-noted, prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

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

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3282.

This matter is being referred to Technology Center Art Unit 3768 for appropriate action on the amendment filed March 22, 2011, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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
12/026,455	02/05/2008	3768	1367	VYMDNZ01700	23	2

CONFIRMATION NO. 3117

CORRECTED FILING RECEIPT

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

Date Mailed: 05/18/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Vahid SAADAT, Saratoga, CA;
Edmund TAM, Mountain View, CA;
Chris A. ROTHE, San Mateo, CA;
David MILLER, Cupertino, CA;
Ruey-Feng PEH, Mountain View, CA;

Assignment For Published Patent Application

Voyage Medical, Inc., Campbell, CA

Power of Attorney: The patent practitioners associated with Customer Number 40518

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/888,242 02/05/2007
and is a CIP of 11/259,498 10/25/2005 PAT 7,860,555

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

If Required, Foreign Filing License Granted: 02/15/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/026,455**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

FLOW REDUCTION HOOD SYSTEMS

Preliminary Class

600

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10-28-11

TO SPE OF : ART UNIT 2129

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/026460 Patent No.: 7890448

CofC mailroom date: 08-25-11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: _____

_____

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 /Kakali Chaki/ **Art Unit** 2122

UNITED STATES 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 07 2011
OFFICE OF PETITIONS

CAREFUSION C/O WAGNER BLECHER LLP
123 Westridge Drive
Watsonville CA 95076

In re Application of :
Scott R. Mallett et al. :
Application No. 12/026,463 : DECISION ON PETITION
Filed: February 5, 2008 :
Attorney Docket No. VESMED.059C1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 13, 2011, to revive the above-identified application.

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 May 10, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed February 10, 2011. Accordingly, the date of abandonment of this application is May 11, 2011. A Notice of Abandonment was mailed on May 26, 2011.

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

As to item (1), the reply in the form of payment of the issue and publication fee. In order to satisfy the required reply, these fees must be paid. If a notice of allowance is mailed in the future, these fees paid can be applied at that time.

Also, In view of the application file, the status of this application is placed in a small entity status. The petition filing fee ($1,860) and the RCE fee ($930) were paid at the large entity rate. If the entity status in this application has changed, then a written assertion should be made by way of a petition under 37 CFR 1.28. Therefore, the Office cannot accurately charge the deposit account as authorized.

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

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

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

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

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CAREFUSION C/O WAGNER BLECHER LLP
123 Westridge Drive
Watsonville CA 95076

MAILED
JAN 12 2012
OFFICE OF PETITIONS

In re Application of :
Scott R. Mallett et al. :
Application No. 12/026,463 : DECISION ON PETITION
Filed: February 5, 2008 :
Attorney Docket No. VESMED.059C1 :

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

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

This application became abandoned for failure to timely pay the issue and publication fees on or before May 10, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed February 10, 2011. Accordingly, the date of abandonment of this application is May 11, 2011. A Notice of Abandonment was mailed on May 26, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Prosecution) with the required fee of $930, issue fee of $1,740 and publication fee of $300, (2) the petition fee of $1,860, and (3) a proper statement of unintentional delay. Accordingly, the RCE, issue and publication fee are accepted as being unintentionally delayed.

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 decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3651 for appropriate action by the Examiner in the normal course of business on the RCE received October 13, 2011.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LEYENDECKER & LEMIRE, LLC
SUITE 280
9137 E MINERAL CIRCLE
CENTENNIAL CO 80112

MAILED
AUG 16 2011
OFFICE OF PETITIONS

In re Application of :
Yount :
Application No. 12/026,474 : DECISION
Filed/Deposited: 5 February, 2008 :
Attorney Docket No. JY-0.001 :

This is a decision on the papers filed on 11 July, 2011, for revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b).

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 final Office action mailed on 24 November, 2010, with reply due absent extension of time on or before 24 February, 2011.

On 14 January, 2011, Petitioner chose to file an after-final amendment, which the Examiner refused to enter and Petitioner—as one registered to practice before the Office—knew was not as

of right and not a proper reply[1] if it did not *prima facie* place the application in condition for allowance, and on 28 January, 2011, the Examiner mailed an Advisory Action.

The application went abandoned by operation of law after 24 February, 2011.

The Office mailed the Notice of Abandonment on 6 July, 2011.

On 11 July, 2011, 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 a request for continued examination (RCE) and fee and a submission under the provisions of 37 C.F.R. §1.114 in the form of an amendment

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).

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

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

STATUTES, REGULATIONS 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).[3] 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.

---

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

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

[3] 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.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.[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**.

The instant application is released to the Technology Center/AU 3781 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.

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10-14-10

TO SPE OF : ART UNIT 2872

SUBJECT : Request for Certificate of Correction for Appl. No.: 12026592 Patent No.: 7787177

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: _____

Stephone B. Allen
Supervisory Patent Examiner

SPE

2872
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FLEIT GIBBONS GUTMAN BONGINI & BIANCO PL
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI FL 33180

MAILED

AUG 15 2011

OFFICE OF PETITIONS

In re Application of :
Weber et al. :
Application No. 12/026,617 : DECISION GRANTING PETITION
Filed: February 6, 2008 : UNDER 37 CFR 1.55(c)
Attorney Docket No. 7054-X08-002 CON :

This is a decision on the petition under 37 CFR 1.55(c), filed July 12, 2011, for acceptance of an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of the filing date of German Application No. DE 201 01 227.8, filed January 24, 2001.

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

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;

(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);

(3) the surcharge as set forth in 37 CFR 1.17(t);

(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Commissioner may require additional information where there is a question whether the delay was unintentional.); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The instant pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Therefore, since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

The intermediate PCT application, PCT/DE01/04177 was filed on November 8, 2001, which is after November 29, 2000 and within 12 months of January 24, 2001. On June 10, 2008, an

Application Data Sheet (ADS) was received which identifies the foreign application for which priority is claimed by application number, country and filing date. The required petition fee of $1410.00 was received with the petition. Lastly, petitioner has provided an adequate statement of unintentional delay.

All requirements being met, the petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority under 35 U.S.C. § 119(a)-(d) is **GRANTED**.

A filing receipt accompanies this decision on petition.

This application is being forwarded to Technology Center AU 2486 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/026,617	02/06/2008	2486	2510	7054-X08-002CON	61	13

CONFIRMATION NO. 3419

CORRECTED FILING RECEIPT

27317
Fleit Gibbons Gutman Bongini & Bianco PL
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI, FL 33180

Date Mailed: 08/09/2011

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)

Gerhard WEBER, Inning, GERMANY;
Albert Mehl, Holzkirchen, GERMANY;
Stephan Holzner, Muhldorf am Inn, GERMANY;
Wolfram Gloger, Weilheim, GERMANY;

Power of Attorney:
Martin Fleit--16900 Paul Bianco--43500
Robert Kain Jr--30648
Jose Gutman--35171
Jon Gibbons--37333
Stephen Bongini--40917

Domestic Priority data as claimed by applicant

This application is a CON of 10/427,731 05/01/2003 PAT 7,399,181
which is a CON of PCT/DE01/04177 11/08/2001

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.)
GERMANY DE 200 19 033.4 11/08/2000
GERMANY DE 201 01 227.8 01/24/2001

If Required, Foreign Filing License Granted: 02/26/2008
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/026,617**
Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

SURFACE MAPPING AND GENERATING DEVICES AND METHODS FOR SURFACE MAPPING AND SURFACE GENERATION

Preliminary Class

348

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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Fleit Gibbons Gutman Bongini & Bianco PL
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI FL 33180

MAILED
JAN 11 2012
OFFICE OF PETITIONS

In re Patent No. 8,026,943 :
Issued: September 27, 2011 :
Application No.: 12/026,617 : NOTICE
Filed: February 6, 2008 :
Attorney Docket No: **7054-X08-002CON** :

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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Alexandria, VA 22313-1450
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LOEN PATENT SERVICES
2266 S Dobson Road, Ste 200
Mesa AZ 85202-6412

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APR 25 2011

OFFICE OF PETITIONS

In re Patent No. 7,870,299 :
Issue Date: January 11, 2011 :
Application No. 12/026,703 : DECISION ON PETITION
Filed: February 6, 2008 :
Attorney Docket No. 146 :

This is a decision on the Certificate Of Correction, filed December 14, 2010, which is being treated as a Petition Under 37 CFR §3.81(b), to accept the omission of 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 add the omission of assignee's name and residence on the previously submitted PTOL-85B. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to add the omitted assignee's name and residence to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The requisite $100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), and the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR §3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form (PTO/SB/44) that was submitted with Petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,870,299.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

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YOUNG & THOMPSON
209 MADISON STREET
SUITE 500
ALEXANDRIA VA 22314

MAILED

MAR 24 2011

OFFICE OF PETITIONS

In re Application of :
Jayet et al. :
Application No. 12/026,719 :
Filed: February 6, 2008 :
Attorney Docket No. 0579-1177 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on February 11, 2011 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

> (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
>
> (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
>
> (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with the above certifications.

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

Currently, there is an outstanding Office action mailed February 23, 2011 that requires a reply.

Further, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: LIAM MCDOWELL
1061 DALEBROOK DRIVE
ALEXANDRIA, VA 22308

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : August 24, 2011

TO SPE OF : ART UNIT 1649

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/026,758 Patent No.: 7959901

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.

☒ **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

SPE

1649
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 08/19/11

TO SPE OF : ART UNIT 3693

SUBJECT : Request for Certificate of Correction for Appl. No.: 12026781 Patent No.: 7908197

CofC mailroom date: 08/09/11

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
You can fax the Director's SPE response to 571-273-3421

Note: Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

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

X 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

/James Kramer/ 3693

SPE Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/026,822	02/06/2008	Nobuhiro YOKOYAMA	T&A-6210	3734

86636 7590 11/19/2010

BRUNDIDGE & STANGER, P.C.
2318 MILL ROAD, SUITE 1020
ALEXANDRIA, VA 22314

EXAMINER	
ZOLLINGER, NATHAN C	
ART UNIT	PAPER NUMBER
3746	

MAIL DATE	DELIVERY MODE
11/19/2010	PAPER

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

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

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BRUNDIDGE & STANGER, P.C.
2318 MILL ROAD, SUITE 1020
ALEXANDRIA VA 22314

In re Application of:
YOKOYAMA, NOBUHIRO et al
Serial No. 12/026,822
Filed: Feb. 6, 2008
Docket: T&A-6210
Title: ELECTRONIC DEVICE HAVING BLOWER

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the request filed November 9, 2010 under 37 CFR 1.181 requesting withdrawal of the finality of the last Office action mailed September 9, 2010.

The petition is **Granted.**

After consulting with the examiner, it was agreed the finality of the Office action of September 9, 2010 should be withdrawn. As such, the Office action mailed on September 9, 2010 will be designated as non-final Office action. The period to respond to the Office action of September 9, 2010 remains unchanged. Since the finality is being withdrawn, any amendment responding to the Office action of September 9, 2010 will be treated as a 37 CFR § 1.111 amendment.

The application is being forwarded to the examiner via Supervisory Patent Examiner of the Art Unit awaiting the applicant's response to the last Office action of September 9, 2010. 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

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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Decision Date : September 1,2011

In re Application of :

Thomas Miller

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12026872

Filed : 06-Feb-2008

Attorney Docket No : 81156061

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed September 1,2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

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

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

This application file is being referred to Technology Center AU 3661 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	12026872
Filing Date	06-Feb-2008
First Named Inventor	Thomas Miller
Art Unit	3661
Examiner Name	GERTRUDE ARTHUR JEANGLAUDE
Attorney Docket Number	81156061
Title	SYSTEM AND METHOD FOR CONTROLLING OBJECT DETECTION BASED ON DRIVER STATUS

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

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

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

Petition Fee

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

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

☐ Applicant(s) status remains as SMALL ENTITY.

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

Reason for withdrawal from issue

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

Signature	/Martin J. Sultana/
Name	Martin J. Sultana
Registration Number	57739

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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

MAILED
MAY 24 2011
OFFICE OF PETITIONS

In re Patent No. 7,760,125 :
Issue Date: July 20, 2010 :
Application No. 12/026,901 : DECISION ON PETITION
Filed: February 6, 2008 :
Attorney Docket No. 108075-00238 :

This is a decision on the Petition To Accept Request For Certificate Of Correction Under 37 CFR 1.183, filed August 4, 2010, which is being treated as a Petition Under 37 CFR §3.81(b), to identify the correct assignee's name. A completed Certificate of Correction Form (PTO-1050) was submitted with Petition.

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

Petitioner urges that the present Petition was submitted to correct the assignee's name 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:

"Fujitsu Microelectronics Limited"

to:

--Fujitsu Semiconductor Limited--

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-1050) submitted with Petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,760,125.

Cheryl Gibson Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

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FERENCE & ASSOCIATES LLC
409 BROAD STREET
PITTSBURGH PA 15143

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of :
Vida S. Kaniecki et al. :
Application No. 12/026,934 :
Filed: February 6, 2008 :
Attorney Docket No. **746.001** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

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

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

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

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

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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409 BROAD STREET
PITTSBURGH PA 15143

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of :
Vida S. Kaniecki et al. :
Application No. 12/026,934 : DECISION ON PETITION
Filed: February 6, 2008 : TO WITHDRAW
Attorney Docket No. **746.001** : FROM RECORD
:

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

The request is **APPROVED**.

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

The request was signed by Stanley D. Ference III on behalf of all attorneys of record who are associated with Customer Number 35195.

All attorneys/agents associated with Customer Number 35195 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the first named inventor Vida S. Kaniecki at the address indicated below.

There is an outstanding Office action mailed October 18, 2010, that requires a reply from the applicant.

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: VIDA S. KANIECKI
7006 Bennington Woods Drive
Pittsburgh, PA 15237

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Leila R. Abdi
Fish & Richardson P.C.
Atlanta, GA 30309

In re Application of: Horst Werner et al
Appl. No.: 12/026943
Filed: February 6, 2008
For: REPRESENTATION OF DATA TRANSFORMATION PROCESSES FOR PARALLELIZATION

DECISION ON PETITION UNDER 37 CFR § 1.59

This is a decision on a petition under 37 CFR § 1.59(b), filed on October 7, 2009 to expunge information submitted pursuant to MPEP § 724.05.

Petitioner requests that the Information Disclosure Statement and the accompanying NPL and Foreign documents submitted on June 24, 2009 be expunged from the record alleging that the Statement and references contain proprietary material that has not otherwise been made public.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an Ex parte Quayle action or a Notice of Abandonment, at which time the petition will be decided.

Petitioner requests that the Information Disclosure Statement and the accompanying NPL and Foreign documents submitted on June 24, 2009, be expunged from the record. Petitioner states e that the information contains proprietary material and that the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(g) has been paid.

It should be noted that NPL document appears to have been available to the public prior to Applicant's filing date. However, a decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time.

During prosecution on the merits, the examiner will determine whether or not the identified documents are considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3591

/Gail Hayes/

Gail Hayes, SPRE/QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security

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.
12/026,943	02/06/2008	Horst Werner	13909-216001	3927

32864 7590 12/22/2011
FISH & RICHARDSON, P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
MALZAHN, DAVID H	
ART UNIT	**PAPER NUMBER**
2193	

NOTIFICATION DATE	DELIVERY MODE
12/22/2011	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Ryan McCarthy
Fish & Richardson P.C.
Atlanta, GA 30309

December 21, 2011

In re Application of: Horst Werner et al
Appl. No.: 12/026943
Filed: February 6, 2008
For: REPRESENTATION OF DATA TRANSFORMATION PROCESSES FOR PARALLELIZATION

DECISION ON PETITION UNDER 37 CFR § 1.59

This is a decision on a petition under 37 CFR § 1.59(b), filed on October 7, 2009 to expunge information submitted pursuant to MPEP § 724.05 and the Status Inquiry filed August 4, 2011.

Petitioner requests that the Information Disclosure Statement and the accompanying NPL and Foreign documents submitted on June 24, 2009 be expunged from the record alleging that the Statement and references contain proprietary material that has not otherwise been made public.

In the decision mailed August 30, 2010, it was noted that NPL document appeared to have been available to the public prior to Applicant's filing date. However, a decision on the petition was held in abeyance because prosecution on the merits had not been closed.

A Notice of Allowance was mailed on July 18, 2011, hence prosecution has been closed. A review of the file at this time reveals a single IDS, copy attached, which lists only one NPL document. Thus, no IDS which lists Foreign and NPL documents as well as any other information discussed in the petition is presently included in the file.

It is therefore unclear if the examiner had an opportunity to determine if references or information referred to in the petition filed October 7, 2009 were considered to be "material" or what information if any should be expunged.

For reasons discussed above, this petition is dismissed.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3591.

/Gail Hayes/

Gail Hayes, SPRE/QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security

Sheet 1 of 1

Substitute Form PTO-1449 (Modified) U.S. Department of Commerce Patent and Trademark Office	Attorney Docket No. 13909-0216001	Application No. 12/026,943
Information Disclosure Statement by Applicant (Use several sheets if necessary)	Applicant Werner et al.	
(37 CFR §1.98(b))	Filing Date February 6, 2008	Group Art Unit 2161

U.S. Patent Documents

Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	1						
	2						

Foreign Patent Documents or Published Foreign Patent Applications

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation Yes	Translation No
	3							
	4							

Other Documents (include Author, Title, Date, and Place of Publication)

Examiner Initial	Desig. ID	Document
	5	National Instruments: "LabVIEW: Ease of Use AND Powerful Development." XP-002523933 Retrieved from internet: URL:http://web.archive.org/web/20080101122320/zone.ni.com/devzone/cda/tut/p/id/3589> [retrieved on 2009-04-16]
	6	

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FULBRIGHT & JAWORSKI, LLP
98 SAN JACINTO BOULEVARD
SUITE 1100
AUSTIN, TX 78701-4255

MAILED

SEP 09 2011

OFFICE OF PETITIONS

In re Application of :
Garnette Roy Sutherland, et al. :
Application No. 12/027,066 : DECISION ON PETITION
Filed: February 6, 2008 :
Attorney Docket No. UNTI:002USC5 :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely submit corrected formal drawings on or before August 6, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed May 6, 2011. Accordingly, the date of abandonment of this application is August 7, 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 corrected formal drawings , (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

The drawings have been approved by the USPTO draftsperson.

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 Office of Data Management at their hotline 571-272-4200.

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

April M. Wise
Petitions Examiner
Office of Petitions

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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JAN 31 2012

OFFICE OF PETITIONS

FULBRIGHT & JAWORSKI L.L.P.
98 SAN JACINTO BOULEVARD
SUITE 1100
AUSTIN TX 78701-4255

In re Patent No. 8,041,459
Issued: October 18, 2011
Application No. 12/027,066
Filed: February 6, 2008
Dkt. No.: UNTI:002USC5

: DECISION ON PATENT TERM
: ADJUSTMENT and NOTICE OF INTENT
: TO ISSUE CERTIFICATE OF
: CORRECTION
:

This is a decision on the petition filed on December 19, 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 431 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 431 days is **GRANTED**.

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

The application is being forwarded to the Certificates of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by 431 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 : 8,041,459

DATED : October 18, 2011 **DRAFT**

INVENTOR(S) : Sutherland, 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 408 days

Delete the phrase "by 408 days" and insert – by 431 days--

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

MAILED

JUN 13 2011

OFFICE OF PETITIONS

In re Application of	:	
Jin Beom Kim, et al.	:	
Application No. 12/027,098	:	DECISION GRANTING PETITION
Filed: February 6, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 0465-1871PUS1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, June 10, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June6, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2627 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : **5-10-11**

TO SPE OF : ART UNIT **3725**

SUBJECT : Request for Certificate of Correction for Appl. No.: **12027109** Patent No.: **7921888**

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.

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

Comments: _____

_____

_____

_____

_____

_____ _____
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date January 17, 2012

In re Application of EMMANUEL LEGENDR

Application No. 12027155

Filed: 06-Feb-2008

Attorney Docket No. 24.0986

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), January 17, 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	12027155
Filing Date	06-Feb-2008
First Named Inventor	EMMANUEL LEGENDRE
Attorney Docket Number	24.0986
Title	SYSTEM AND METHOD FOR DISPLAYING DATA ASSOCIATED WITH SUBSURFACE RESERVO

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	/Darla P. Fonseca/
Name	Darla Fonseca
Registration Number	31783

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.
12/027,221	02/06/2008	Larry B. Brandenburger	06-1902-0101	4408

62127 7590 02/15/2012

VALSPAR SOURCING, INC.
901 3rd Avenue South
PO Box 1461
MINNEAPOLIS, MN 55440-1461

EXAMINER	
PEPITONE, MICHAEL F	
ART UNIT	**PAPER NUMBER**
1767	
MAIL DATE	**DELIVERY MODE**
02/15/2012	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

Mailed: 2/15/12

In re application of :
Brandenburger et al. : DECISION ON
Serial No. 12/027,221 : PETITION
Filed: 02/06/2008 :
For: **PROCESS FOR MANUFACTURING HIGH MOLECULAR WEIGHT POLYESTERS**

This is a decision on a PETITION filed March 23, 2009, which has been accepted as a timely petition under 1.59(b) and MPEP 724.02 and is before the Group Director of Technology Center 1700 for consideration.

DECISION

Petitioner requests that materials submitted on March 23, 2009 be expunged. The petition is **GRANTED.**

Section 1.59 has been amended to eliminate references to returning documents that have been expunged to recognize that, with electronic Official files, there will be nothing to return when a paper is expunged.

The Office is capturing electronic images of all documents that form the Official file. Where the image is generated from a physical source document, the originating document may be disposed of once the electronic image accuracy is verified. The paper source document will eventually be destroyed under a United States National Archives and Records Administration (NARA) approved schedule. Therefore, if a document is to be expunged from the record, the only operation that will be required will be removal of the image from the Official file.

Paragraph (a)(1) of §1.59 has been amended by deleting the phrase ''and returned '' from the first sentence, and deleting the second sentence. Paragraph (b) of §1.59 has been amended by deleting the phrase ''and return '' from each of the first and second sentences. The Office will continue to provide notice in the Official file that a paper has been expunged and the Office will send a decision to the applicant notifying the applicant that the paper has been expunged.

The images will be removed from the Official file.

/Yvonne Eyler/

Yvonne L. Eyler, Director
Technology Center 1700
Chemical and Materials Engineering

wk

David R. Cleveland
VALSPAR SOURCING, INC.
901 3rd Avenue South
PO Box 1461
MINNEAPOLIS MN 55440-1461

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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LETHAM LAW FIRM LLC
914 N. TUCANA LANE
GILBERT, AZ 85234

MAILED

APR 20 2011

OFFICE OF PETITIONS

In re Application of :
Spenik et al. :
Application No. 12/027,235 :
Filed: February 6, 2008 :
Attorney Docket No. 0609.005.010 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 23, 2011.

The request is **NOT APPROVED**.

The Office no longer accepts address changes to a new practitioner or law firm filed with requests under 37 C.F.R. § 1.36(b). The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

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

A review of the file record does not indicate that a Statement Under 37 CFR 3.73(b) by the assignee has been filed in the instant application, therefore the request cannot be approved at this time.

There no outstanding Office actions that require a reply from the applicant.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted

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

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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LETHAM LAW FIRM LLC
914 N. TUCANA LANE
GILBERT, AZ 85234

MAILED

JUN 01 2011

OFFICE OF PETITIONS

In re Application of :
Spenik et al. :
Application No. 12/027,235 :
Filed: February 6, 2008 :
Attorney Docket No. 0609.005.010 :

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 May 6, 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.*

While the renewed request under 37 CFR 1.36(b), specifies the correct assignee of record, a review of the file record still does not indicate that a Statement Under 37 CFR 3.73(b) by the assignee has been filed in the instant application, therefore the request cannot be approved at this time.

Petitioner attention is directed to 37 CFR 3.73: Establishing right of assignee to take action.(b)(1) In order to request or take action in a patent or trademark matter, the assignee must establish its ownership of the patent or trademark property of paragraph (a) of this section to the satisfaction of the Director. The establishment of ownership by the assignee may be combined with the paper that requests or takes the action. Ownership is established by submitting to the Office a signed statement identifying the assignee, accompanied by either: **(i)** Documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment). For patent matters only, the submission of the documentary evidence must be accompanied by a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or **(ii)** A statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

There are no outstanding Office actions that require a reply from the applicant.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted

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

Alicia Kelley-Collier
Petitions Examiner
Office of Petitions

Enclosure: Form PTO/SB/96 Statement Under 3.73(b)

UNITED STATES PATENT AND TRADEMARK OFFICE

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LETHAM LAW FIRM LLC
914 N. TUCANA LANE
GILBERT, AZ 85234

MAILED

JUN 24 2011

OFFICE OF PETITIONS

In re Application of
Spenik et al.
Application No. 12/027,235
Filed: February 6, 2008
Attorney Docket No. 0609.005.010

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 8, 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 D. Lawrence Letham, the sole attorney of record.

D. Lawrence Letham has been withdrawn as attorney of record.

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

There is an outstanding Office action mailed June 21, 2011, that requires a reply.

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-Collier
Petitions Examiner
Office of Petitions

cc: JOHN SPENIK
21015 NORTH 15TH WAY
PHOENIX, AZ 85024

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
12/027,235	02/06/2008	John Spenik	0609.005.010

CONFIRMATION NO. 4427

POWER OF ATTORNEY NOTICE

66501
Letham Law Firm LLC
914 N. Tucana Lane
Gilbert, AZ 85234

OC000000048396370

Date Mailed: 06/23/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/08/2011.

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

/akelley-collier/

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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DEC 12 2011

OFFICE OF PETITIONS

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

In re Application of :
Feinstein et al. :
Application No. 12/027,250 :
Filed: February 6, 2008 :
Attorney Dkt No. 35006-634D01US :
For: METHOD AND APPARATUS :
SYSTEM FOR MODELING CONSUMER :
CAPACITY FOR FUTURE INCREMENTAL :
DEBT IN CREDIT SCORING :

ON APPLICATION FOR
PATENT TERM ADJUSTMENT

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER TO 37 CFR §1.705(b)", filed December 1, 2011. Applicants request that the determination of patent term adjustment be corrected from zero (0) days to fifty-seven (57) days.

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

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

Applicants dispute the 147 day reduction for the submission of the terminal disclaimer on August 22, 2011. Applicants contend the terminal disclaimer was requested by the examiner thus the 147 day reduction should be removed.

A review of the record shows that the 147 day reduction for the submission of the supplemental response in the form of a terminal disclaimer on August 22, 2011 was not warranted. 37 CFR §1.704(c)(8) provides that a period of reduction is entered for:

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

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

In this instance, the submission of the August 22, 2011 supplemental response does not constitute a failure to engage in reasonable efforts to conclude prosecution. Accordingly, the 147 day reduction will be removed.

Applicants' delay prior to the mailing of the Notice of Allowance is thirty (30) days. Office delay prior to the mailing of the Notice of Allowance is eighty-seven (87) days.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is fifty-seven (57) days.

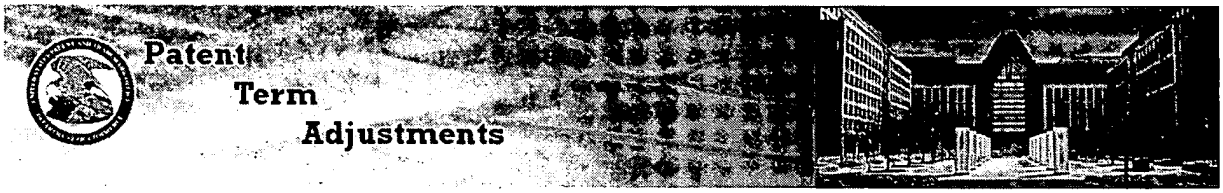
Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

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

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

Charlema Grant
Attorney Advisor
Office of Petitions

Enclosure: Copy of REVISED PALM Screen



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

Application Number*: 12027250 Search | Explanation of PTA Calculation | Explanation of PTE Calculation

PTA Calculations for Application: 12027250

Application Filing Date	02/06/2008	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	87
A Delays	87	PTO Manual Adjustment	147
B Delays	0	Applicant Delay (APPL)	177
C Delays	0	Total PTA (days)	57

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
79	12/11/2011		P028	Adjustment of PTA Calculation by PTO	147	0	
71	09/01/2011	07/28/2011	MN/=.	Mail Notice of Allowance	35	56	
70	08/31/2011		OAR	Office Action Review		0	
69	08/31/2011		OAR	Office Action Review		0	
68	08/31/2011		IREV	Issue Revision Completed		0	
67	08/31/2011		DVER	Document Verification		0	
66	08/31/2011		N/=.	Notice of Allowance Data Verification Completed		0	
65	08/29/2011		EX.R	Reasons for Allowance		0	
64	08/29/2011		CNTA	Allowability Notice		0	
63	08/25/2011		MEXIE	Mail Examiner Initiated Interview Summary		0	
62	08/25/2011		OAR	Office Action Review		0	
60	08/23/2011		P574	PARALEGAL OR ELECTRONIC TERMINAL DISCLAIMER APPROVED		0	
61	08/22/2011		EXIE	Interview Summary - Examiner Initiated		0	
59	08/22/2011	03/28/2011	DIST	Terminal Disclaimer Filed		147	56
58	03/29/2011		FWDX	Date Forwarded to Examiner		0	
58	03/29/2011		ABN9	Disposal for a RCE / CPA / R129		0	
57	03/28/2011		AMSB	Amendment Submitted/Entered with Filing of CPA/RCE		0	
56	03/28/2011	02/26/2011	RCEX	Request for Continued Examination (RCE)		30	46
54	03/28/2011		XT/G	Request for Extension of Time - Granted		0	
53	03/28/2011		BRCE	Workflow - Request for RCE - Begin		0	
52	03/01/2011		MSADV	Mail Supplemental Advisory Action		0	
51	02/28/2011		SADV	Supplemental Examiner Action		0	
50	02/04/2011		MCTAV	Mail Advisory Action (PTOL - 303)		0	
49	02/02/2011		CTAV	Advisory Action (PTOL-303)		0	
48	01/25/2011		FWDX	Date Forwarded to Examiner		0	
47	01/24/2011		A.NE	Amendment after Final Rejection		0	
46	11/26/2010		MCTFR	Mail Final Rejection (PTOL - 326)		0	
45	11/22/2010		CTFR	Final Rejection		0	
44	09/08/2010		FWDX	Date Forwarded to Examiner		0	
43	09/07/2010		A...	Response after Non-Final Action		0	
42	06/23/2010		MCTNF	Mail Non-Final Rejection		0	
41	06/21/2010		CTNF	Non-Final Rejection		0	
40	03/15/2010		FWDX	Date Forwarded to Examiner		0	
37	03/15/2010		ABN9	Disposal for a RCE / CPA / R129		0	
38	03/10/2010		RCEX	Request for Continued Examination (RCE)		0	
36	03/10/2010		BRCE	Workflow - Request for RCE - Begin		0	
35	03/05/2010		MCTAV	Mail Advisory Action (PTOL - 303)		0	
34	03/01/2010		CTAV	Advisory Action (PTOL-303)		0	
33	02/18/2010		FWDX	Date Forwarded to Examiner		0	
39	02/11/2010		AMPR	RCE- AF Processed		0	
32	02/11/2010		A.NE	Amendment after Final Rejection		0	
31	12/18/2009		MCTFR	Mail Final Rejection (PTOL - 326)		0	
30	12/17/2009		CTFR	Final Rejection		0	
29	10/02/2009		FWDX	Date Forwarded to Examiner		0	
28	08/28/2009		A...	Response after Non-Final Action		0	
27	05/28/2009	04/06/2009	MCTNF	Mail Non-Final Rejection	52	0.5	
26	05/26/2009		CTNF	Non-Final Rejection		0	
23	02/05/2009		PG-ISSUE	PG-Pub Issue Notification		0	
22	12/20/2008		DOCK	Case Docketed to Examiner in GAU		0	
21	12/20/2008		TI1052	Decision Made by Classification Division		0	
20	12/20/2008		TI1054	Request for Classification Division Decision		0	
19	12/20/2008		TI1050	Transfer Inquiry to GAU		0	
18	09/15/2008		MPTDI-1	Mail-Petition Decision - Dismissed		0	
17	09/15/2008		PTDI-1	Petition Decision - Dismissed		0	
16	09/10/2008		PA..	Change in Power of Attorney (May Include Associate POA)		0	

15	09/09/2008	C.AD	Correspondence Address Change	0
14	08/25/2008	TSSCOMP	IFW TSS Processing by Tech Center Complete	0
13	06/24/2008	PET.	Petition Entered	0
12	06/23/2008	OIPE	Application Dispatched from OIPE	0
11	06/10/2008	PGPC	Sent to Classification Contractor	0
10	06/10/2008	FLRCPT.U	Filing Receipt - Updated	0
9	06/10/2008	COMP	Application Is Now Complete	0
8	06/03/2008	ADDFLFEE	Additional Application Filing Fees	0
7	06/03/2008	CORRDRW	Applicant has submitted new drawings to correct Corrected Papers problems	0
6	03/03/2008	CPAP	Corrected Paper	0
5	03/03/2008	FLRCPT.O	Filing Receipt	0
4	02/19/2008	L128	Cleared by L&R (LARS)	0
3	02/11/2008	L198	Referred to Level 2 (LARS) by OIPE CSR	0
2	02/06/2008	SCAN	IFW Scan & PACR Auto Security Review	0
1	02/06/2008	IEXX	Initial Exam Team nn	0
0.5	02/06/2008	EFILE	Filing date	0

Export to: Excel

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/027,336	02/07/2008	Sam-seok Choi	102-1514	4639

38209 7590 10/19/2010

STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON, DC 20006

EXAMINER	
ROYER, WILLIAM J	

ART UNIT	PAPER NUMBER
2852	

MAIL DATE	DELIVERY MODE
10/19/2010	PAPER

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

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

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STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON DC 20006

In re Application of
CHOI et al.
Application No.: 12/027,336
Filed: 07 February 2008
Attorney Docket No.: 102-1514
For: TONER CARTRIDGE LOCKING APPARATUS, IMAGE FORMING APPARATUS HAVING THE SAME, TONER CARTRIDGE, AND MOUNTING AND DISMOUNTING METHOD FOR A TONER CARTRIDGE

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 25 August 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) 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 under 35 U.S.C. 365(b) to an application filed in the KIPO, or

ii. validly claims priority under 35 U.S.C. 365(b) 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 under 35 U.S.C. 365(b) to an application filed in the KIPO, or
   ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
   iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that 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 KR 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. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

This request to participate in the PPH program and petition is assessed as follows:

Requirements 1, and 4-6 above are considered to have been met.
However the request to participate in the PPH program fails to meet requirement 3.

Regarding requirement 2, applicant has failed to submit a copy of the allowable/patentable claims from the Korean application. Further, it is not clear how translated claims for 10-0873443 relate to the priority applications.

Regarding requirement 3, applicant has failed to ensure that the claims of the instant U.S. application sufficiently correspond to the allowable/patentable claims of the Korean application. For example, claim 6 of the KIPO application recites "45 degrees" while claim 6 of the instant application recites "approximately 45 degrees." Another example is that claim 45 of the instant application is missing the limitation of "storing toner" which is present in the KIPO application.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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.

Lee W. Young
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/027,336	02/07/2008	Sam-seok Choi	102-1514	4639

38209 7590 12/14/2010

STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON, DC 20006

EXAMINER	
ROYER, WILLIAM J	

ART UNIT	PAPER NUMBER
2852	

MAIL DATE	DELIVERY MODE
12/14/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON DC 20006

In re Application of
CHOI et al.
Application No.: 12/027,336
Filed: 07 February 2008
Attorney Docket No.: 102-1514
For: TONER CARTRIDGE LOCKING APPARATUS, IMAGE FORMING APPARATUS HAVING THE SAME, TONER CARTRIDGE, AND MOUNTING AND DISMOUNTING METHOD FOR A TONER CARTRIDGE

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 25 August 2010 and renewed on 19 November 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

   a. a Paris Convention application which either
      i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 119(a)/365(a) 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 under 35 U.S.C. 365(b) to an application filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 365(b) 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 under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KR application(s);
    b. An English translation of the allowable/patentable claim(s), and
    c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
    a. Ensure that 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 KR 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. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
    b. An English language translation of the KIPO office action; and
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6. Applicant must submit:
    a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
    b. Copies of all the documents cited in the KIPO 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 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://uspto.gov/ebc/index.html.

Lee W. Young
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/027,414	02/07/2008	Atsushi MUKAI	10202.94	4784

7590 02/18/2011

NIDEC CORPORATION
c/o KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

EXAMINER	
FIDLER, SHELBY LEE	

ART UNIT	PAPER NUMBER
2861	

NOTIFICATION DATE	DELIVERY MODE
02/18/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120405

DATE : April 6, 2012

TO SPE OF : ART UNIT 2471

SUBJECT : Request for Certificate of Correction on Patent No.: 8,064,332

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

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

Thank You For Your Assistance **Certificates of Correction Branch**

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

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

correction due to printing error of the claim number. /SH/

SPE: Pham Chi **Art Unit** 2471

OK TO ENTER: /SH/

/SH/ 04/05/2012

Patent 8,064,332

IN UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.:	8,064,332	Docket No: P26795X
Issue Date:	November 22, 2011	Patentee: Shweta Shrivastava et al.
Title	AVOIDING COLLISIONS BETWEEN USERS IF MAP CONTAINING PERSISTENT SCHEDULING INFORMATION IS LOST	

REQUEST FOR CERTIFICATE OF CORRECTION

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

It is requested that a Certificate of Correction be issued correcting printing errors appearing in the above-identified United States patent. A copy of the text of the Certificate in the suggested form is enclosed.

As the error is that of the Patent Office, it is believed that no fee is due.

Issuance of the Certificate of Correction would neither expand nor contract the scope of the claims as properly allowed, and re-examination is not required.

Respectfully submitted,

Customer Number: 67861

Date: March 30, 2012

By: _____
Joseph P. Curtin
Reg. No. 34,571

PTO/SB/44 (09-07)
Approved for use through 08/31/2013. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 8,064,332

APPLICATION NO.: 12/027,456

DATED : November 22, 2011

INVENTOR(S) : Shweta Shrivastava et al.

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

In column 8, line 19, in claim 7, delete "4," and insert - - 5, - -, therefor.

MAILING ADDRESS OF SENDER:

CPA Global
P.O. Box 52050
Minneapolis, MN 55402

PATENT NO. _____8,064,332_____

No. of additional copies

Atty Docket No: P26795X

PTO/SB/44 (09-07)
Approved for use through 08/31/2013. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 8,064,332

APPLICATION NO.: 12/027,456

DATED : November 22, 2011

INVENTOR(S) : Shweta Shrivastava et al.

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

In column 8, line 19, in claim 7, delete "4," and insert - - 5, - -, therefor.

MAILING ADDRESS OF SENDER:

CPA Global
P.O. Box 52050
Minneapolis, MN 55402

PATENT NO. _____8,064,332_____

No. of additional copies

Atty Docket No: P26795X

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120405

DATE : April 6, 2012

TO SPE OF : ART UNIT 2471

SUBJECT : Request for Certificate of Correction on Patent No.: 8,064,332

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

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

Thank You For Your Assistance **Certificates of Correction Branch**

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

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

correction due to printing error of the claim number. /SH/

SPE: Pham Chi **Art Unit** 2471

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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SEAN KAUFHOLD
P. O. BOX 89626
SIOUX FALLS SD 57109

MAILED

OCT 13 2010

OFFICE OF PETITIONS

In re Application of	:	
David K. Kendall	:	
Application No. 12/027,478	:	DECISION ON PETITION
Filed: February 7, 2008	:	
Attorney Docket No. SK07073	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 7, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before May 24, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed February 24, 2010. Accordingly, the date of abandonment of this application is June 16, 2010 The Notice of Abandonment was mailed June 16, 2010.

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

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

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Patent No. : 7,746,437 B2
Ser. No. : 12/027,528
Inventor(s) : Kizu et al..
Issued : Jun. 29,2010
Title : LIQUID CRYSTAL DISPLAY
Docket No. : 430.0059USU
Re: Request for Certificate of Correction

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

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1. 17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(703) 872-9306 ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Ennis Young
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) **272-3435** or (703) 756-1814

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Charles N.J. Ruggiero, Esq.
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
10th Floor
One Landmark Square
Stamford CT 06901-2682

MAILED

JAN 04 2011

OFFICE OF PETITIONS

In re Patent No. 7,746,437 :
Issue Date: 06/29/2010 :
Application No. 12/027,528 : DECISION ON PETITION
Filed: 02/07/2008 :
Attorney Docket No. 430.0059USU :

This is a decision on the petition under 37 CFR 3.81(b), filed November 4, 2010, to correct the assignee on the front page of the above-identified patent by way of Certificate of Correction.

37 CFR 3.81(b) 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.

Upon a review of the records, it does not appear that the assignment to Toshiba Matsushita Display Technology Co., Ltd. was submitted for recordation as set forth in 3.11 before issuance of the patent. The Notice of Recordation of Assignment Document provided by petitioner indicates that the assignment to Toshiba Matsushita Display Technology Co., Ltd. was recorded on September 16, 2010, after the patent issued on June 29, 2010.

Accordingly, the request is **dismissed**.

The processing fee set forth in § 1.17(i) has not been charged to petitioner's Deposit Account. Petitioner may request a refund of the $100.00 certificate of correction fee set forth in § 1.20(a) by writing to the following address:

Mail Stop 16
Director of the US Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

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

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries 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

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

Charles N.J. Ruggiero, Esq.
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
10th Floor
One Landmark Square
Stamford CT 06901-2682

MAILED
SEP 29 2011
OFFICE OF PETITIONS

In re Patent No. 7,746,437 :
Issue Date: 06/29/2010 :
Application No. 12/027,528 : DECISION ON PETITION
Filed: 02/07/2008 :
Attorney Docket No. 430.0059USU :

This is a decision on the renewed petition under 37 CFR 3.81(b), filed September 27, 2011, to correct the assignee data on the front page of the above-identified patent by way of Certificate of Correction.

37 CFR 3.81(b) 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.

Upon further review of the records, it appears that the assignment to Toshiba Matsushita Display Technology Co., Ltd. was submitted for recordation as set forth in 3.11 before issuance of the patent. However, the assignment recordation cover sheet only listed Kabushiki Kaisha. A corrective assignment to add the second assignee, Toshiba Matsushita Display Technology Co., Ltd., was recorded in the USPTO on September 16, 2010.

As the assignment to Toshiba Matsushita Display Technology Co., Ltd. was submitted for recordation as set forth in § 3.11 before issuance of the patent, and patentees include a request for a certificate of correction under § 1.323 (accompanied by the fee set forth in § 1.20(a) and an authorization to charge the processing fee set forth in § 1.17(i), the request under 37 CFR 3.81(b) is **granted**.

The $130.00 processing fee set forth in 37 CFR 1.17(i) will be charged to the Deposit Account as authorized. The Office acknowledges the previous payment of the $100.00 certificate of correction fee.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction as to the assignment information.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SCHWEGMAN, LUNDBERG & WOESSNER, PA
P.O. BOX 2938
MINNEAPOLIS MN 55402

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of
Thomas Imwinkelried, et al.
Application No. 12/027,551
Filed: February 7, 2008
Attorney Docket No. 2579.084US1

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 29, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Schwegman, Lundberg & Woessner, PA has been revoked by the assignee of the patent application on September 29, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642. 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

ADVANTIA LAW GROUP
9035 SOUTH 1300 EAST
SUITE 200
SANDY UT 84094

MAILED
AUG 15 2011
OFFICE OF PETITIONS

In re Application of :
Bish :
Application No. 12/027,569 : ON PETITION
Filed: February 7, 2008 :
Attorney Docket No. 3629.2.1NP :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed August 4, 2011.

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

The above-identified application became abandoned for failure to timely file a reply in response to the Notice of Non-Compliant Amendment, mailed October 29, 2010. This Notice set an extendable period for reply of one month. No reply having been received, the application became abandoned on November 30, 2010. The Office mailed a Notice of Abandonment on June 28, 2011.

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

The application is being forwarded to Group Art Unit 3776 for consideration of the Amendment, filed August 4, 2011.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
2050 Main Street, Suite 1100
IRVINE CA 92614

MAILED

APR 17 2012

OFFICE OF PETITIONS

In re Application of :
Matthew Thompson :
Application No. 12/027,604 :
Filed: February 7, 2008 :
Attorney Docket No. 20784.4004 :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 11, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 21, 2011, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 22, 2011. A Notice of Abandonment was mailed on January 19, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $930, (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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

This application is being referred to Technology Center AU 3733 for appropriate action by the Examiner in the normal course of business on the reply received April 11, 2012.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Mark Stirrat
Dickstein Shapiro, LLP
2049 Century Park East
Suite 700
Los Angeles, CA 90067-3109

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.
12/027,638	02/07/2008	Yukihiro Komura	1924.80105	5228

7590 08/05/2011

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER	
NGUYEN, HOA T	
ART UNIT	PAPER NUMBER
2627	
MAIL DATE	DELIVERY MODE
08/05/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Jarmon

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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APR 25 2011

OFFICE OF PETITIONS

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Patent No. 7,797,143 :
Issue Date: September 14, 2010 :
Application No. 12/027,656 : DECISION ON PETITION
Filed: February 7, 2008 :
Attorney Docket No. FMSM-03A1 :

This is a decision on the Petition To Correct The Assignee Under 37 C.F.R. §3.81(b) And Request For Certificate Of Correction, filed December 10, 2010, 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 inadvertent. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to correct assignee's name to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The requisite $100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), 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 Petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,797,143.

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

The Marbury Law Group, PLLC
11800 Sunrise Valley Drive
Suite 1000
Reston, VA 20191

MAILED

AUG 06 2010

OFFICE OF PETITIONS

In re Application of
Eduardo G. Samame, et. al.
Application No. 12/027,698
Filed: February 7, 2008
Attorney Docket No. 2816-087

DECISION DISMISSING STATUS UNDER 37 CFR 1.47(a)

This is a decision on the renewed petition filed, June 1, 2010, which refused to accord 37 CFR 1.47(a) status to the above-identified application.

Papers filed on June 1, 2010 in response to a decision refusing status under 37 CFR 1.47(a), mailed March 31, 2010, included a Declaration signed by a previously non-signing inventor, Forrest M. Murphy, in compliance with 37 CFR 1.63.

The petition is **DISMISSED AS MOOT**.

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

This application is being referred to Technology Center Art Unit 2165 for review of the response filed on June 10, 2010.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BALLARD SPAHR LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

MAILED

DEC 29 2010

OFFICE OF PETITIONS

In re Application of
Anantharamaiah, et al.
Application No. 12/027,728
Filed: 7 February, 2008
Attorney Docket No. 21085.0168U1

DECISION ON PETITION

This is a decision on the petition filed on 16 February, 2010, under 37 C.F.R. §1.47.

The petition as considered under 37 C.F.R. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Pursuant to 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 C.F.R. §1.136(a).

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

A grantable petition pursuant to 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioner does not seem to have worked through the requirements of the petition, as set forth above, in satisfaction of those requirements. (*See, generally:* MPEP §409.03, and §409.03(a)—the applicable statute (35 U.S.C.§ 116).

In particular, Petitioner has not as of this writing satisfied the requirement(s) of the petition as listed above and discussed below.

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.

BACKGROUND

The record reflects as follows:

The application was deposited on 7 February, 2008, without, *inter alia*, a fully executed oath/declaration

On 13 August, 2009, the Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration.

On 16 February, 2010, Petitioner Scott D. Marty (Reg. No. 53,277) filed, *inter alia*, a petition pursuant to the regulations at 37 C.F.R. §1.47, with an oath/declaration executed by co-inventors Anantharamais and Rudolph for themselves and on behalf of non-signing co-inventors Mohamad Navab (Mr. Navab) and Alan M. Fogelman (Mr. Fogelman), with no statement in the petition over Petitioner's signature and registration number as to the then current/valid/reasonably believed to be last known addresses for Messrs Navab and Fogelman. Moreover, while it appears that there may have been a refusal to accept by Mr. Navab, there appears only to have been a failure to claim the transmittal as to Mr.Fogelman, and therefore no clear showing as to the reasonableness of the address used for transmittal to Mr. Fogelman. Further, it is unclear whether the Petitioner represents to the Office that the applicants and/or assignee have a right to claim status as a small entity, and this status must be clarified on any renewed petition.

Thus, the required showings have not been made due to the incomplete information/data that Petitioner has placed of record.

Petitioner is reminded of his duties of candor to—with requirement for diligent inquiry before—the Office and to satisfy the Rules of Practice and the guidance in the Commentary at MPEP §409.03, and §409.03(a), et seq.

Out of an abundance of caution, Petitioner should step through the requirements of a grantable petition under 37 C.F.R. §1.47(a) (i.e., (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address)

and satisfy himself that he has complied with these requirements on submission of any renewed petition. (*See also*: the guidance in the Commentary at MPEP §409.03, and §409.03(a), et seq.)

Again, Petitioner has not worked through the requirements of the petition.

Thus, the present incompleteness of the record makes granting of the instant petition inappropriate.

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

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

The instant petition under 37 C.F.R. §1.47(a) is **dismissed**.

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

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

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

---

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

§1.2 Business to be transacted in writing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of :
Jin K. Lee, et al. :
Application No. 12/027,752 :
Filed: February 7, 2008 :
Attorney Docket No. TRA-006.02 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 2011.

The request is **APPROVED**.

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

The request was signed by Beth E. Arnold on behalf of all attorneys of record who are associated with customer No. 25181. All attorneys/agents associated with the Customer Number 25181 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed October 12, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

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

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

cc: TRANSAVE, INC.
11 DEER PARK DRIVE
PRINCETON CORPORATE PLAZA IV
SUITE 117
MONMOUTH JUNCTION, NJ 08852

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
12/027,752	02/07/2008	Jin K. Lee	TRA-006.02

CONFIRMATION NO. 5427

POWER OF ATTORNEY NOTICE

25181
FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON, MA 02110

OC000000046688410

Date Mailed: 03/21/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/09/2011.

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

/amwise/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

DEC 12 2011

OFFICE OF PETITIONS

In re Application of :
CORL, et al :
Application No. 12/027,898 : DECISION ON PETITION
Filed: February 7, 2008 : TO WITHDRAW
Attorney Docket No. KEIMR.004DV4 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed November 18, 2011.

The request is **NOT APPROVED.**

A review of the file record indicates that Rose M. Thiessen does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: KEIMAR, INC.
171 MAIN STREET, #137
LOS ALTOS CA 94022

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CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON MA 02210

MAILED

AUG 29 2011

OFFICE OF PETITIONS

In re Application of :
Yadav et al. :
Application No. 12/027,976 : DECISION ON PETITION
Filed: February 7, 2008 :
Attorney Dkt. No. 112025-0916U :

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

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

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

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 18, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is January 19, 2011. A Notice of Abandonment was mailed May 24, 2011.

Petitioner contends that the final Office action of October 18, 2010 was never received.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (1) and (3).

As to item (1), a response within the meaning of 37 CFR 1.113 to the final Office action has not been submitted. 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).

As to item (3), 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 "avoidable." 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 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).

A review of the written record indicates no irregularity in the mailing of the Notice and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

Petitioner has failed to meet (3) of the above requirements. Although petitioner has provided a copy of what appears to be an individual docket record for the instant patent, petitioner has failed to present a copy of the master docket for the firm or state that a master docket does not exists.

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

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

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

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

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

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

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

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

Charlema Grant
Petitions Attorney
Office of Petitions

Enclosure: Advisory Action

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 12/027,976	**Applicant(s)** YADAV ET AL.	
	Examiner HUA FAN	**Art Unit** 2456	

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

THE REPLY FILED 21 June 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

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

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

NOTICE OF APPEAL

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

AMENDMENTS

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

   NOTE: *See 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: *21-34*.
   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: _____.

/Hua Fan/
Examiner, Art Unit 2456

Continuation of 3. NOTE: New claims 35-52 require further consideration and/or search .

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CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON MA 02210

MAILED

SEP 19 2011

OFFICE OF PETITIONS

In re Application of :
Yadav et al. :
Application No. 12/027,976 :
Filed: February 7, 2008 :
Attorney Dkt. No. 112025-0916U :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137 (a), filed September 13, 2011, to revive the above-identified application. This decision also corrects the petition decision mailed on August 29, 2011.

The petition is **GRANTED.**

This application became abandoned for failure to timely submit a proper reply to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on October 18, 2010. The Notice set an extendable one-month reply period of November 18, 2010. No extension of time pursuant to 37 CFR 1.136 was obtained. The application was held abandoned on November 19, 2010. A Notice of Abandonment was mailed on May 24, 2011. A petition under 1.137(a) was dismissed August 29, 2011.

It is noted the petition decision of August 29, 2011 incorrectly identified the communication of October 18, 2010 as a final Office action. However, further review of the record shows the communication mailed on October 18, 2010 was a Notice of Non-Compliant Amendment.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the required reply in the form of an amendment (2) the petition fee of $540.00; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable.

This application is being referred to Art Unit 2456 for further processing on the response submitted June 21, 2011 in the normal course of business.

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

Charlema Grant
Petitions Attorney
Office of Petitions

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GREENBERG TRAURIG LLP (LA)
c/o: GREENBERG TRAURIG LLP CHICAGO OFFICE
77 WEST WACKER DRIVE, SUITE 3100
INTELLECTUAL PROPERTY DEPARTMENT
CHICAGO, IL 60601

MAILED

MAY 052011

OFFICE OF PETITIONS

In re Application of :
Wayne Po-Wen LIU, et *al.* :
Application No. 12/027,989 : DECISION ON PETITION TO
Filed: February 7, 2008 : WITHDRAW FROM RECORD
Attorney Docket No. **075115.010201** :

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 8, 2009.

The request is **APPROVED**.

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

The request was signed by Franklin Ubell on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed October 27, 2010 that requires a reply from the applicant.

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

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

cc: **WAYNE PO-WEN LIU**
10725 OHIO AVENUE, APT 305
LOS ANGELES, CA 90024

UNITED STATES PATENT AND TRADEMARK OFFICE

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LAW OFFICE OF JERRY D. HAYNES, P.A
P.O. BOX 350392
FORT LAUDERDALE FL 33335

MAILED

DEC 2 1 2010

OFFICE OF PETITIONS

In re Application of	:	
Ronald MAIETTA	:	
Application No. 12/028,087	:	DECISION ON PETITION
Filed: February 08, 2008	:	
Attorney Docket No. 203277	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 01, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 11, 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 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 amendment, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of March 11, 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 3711 for appropriate action by the Examiner in the normal course of business on the reply received

Michelle R. Eason
Paralegal Specialist
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	12028091
Filing Date	08-Feb-2008
First Named Inventor	THOMAS RUSHWORTH
Art Unit	2189
Examiner Name	ERIC LOONAN
Attorney Docket Number	200545-398376
Title	MULTI-READER, MULTI-WRITER LOCK-FREE RING BUFFER

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

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

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

Petition Fee

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

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

☒ Applicant(s) status remains as SMALL ENTITY.

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

Reason for withdrawal from issue

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

Signature	/JOSEPH CONNEELY/
Name	JOSEPH CONNEELY
Registration Number	54883

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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Decision Date : October 25,2011

In re Application of :

THOMAS RUSHWORTH

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12028091

Filed : 08-Feb-2008

Attorney Docket No : 200545-398376

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

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid 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 2189 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA VA 22314

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FEB 01 2011

OFFICE OF PETITIONS

In re Patent No. 7,708,256	:	
Issue Date: May 4, 2010	:	
Application No. 12/028,096	:	NOTICE
Filed: February 8, 2008	:	
Attorney Docket No. P08214US02/DEJ	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 7, 2010. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED.**

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

This file is being forwarded to Files Repository.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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JAN 26 2011

OFFICE OF PETITIONS

STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA VA 22314

In re Application:
Richard P.H. Pankhurst et al.
Application No. 12/028,117 : NOTICE
Filed: February 8, 2008
Attorney Docket No. P08214US03/DEJ

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 10, 2010. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

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

This file is being forwarded to the Office of Publications.

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

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

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Paper No.

SUTHERLAND ASBILL
& BRENNAN LLP
999 Peachtree Street, NE
Atlanta GA 30309-3996

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OFFICE OF PETITIONS

In re Application of :
Blochwitz-Nimoth et al. : DECISION ON PETITION
Application No. 12/028,143 :
Filed: February 8, 2008 :
Atty Docket No. 17346-0090 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed April 21, 2011.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the restriction requirement mailed August 12, 2010. This Office action set a shortened statutory period for reply of one (1) month, 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 September 13, 2010. A courtesy Notice of Abandonment was mailed on March 1, 2011.

The petition includes the required reply in the form of an election, the statement of unintentional delay and payment of the petition fee. No terminal disclaimer is required.

Technology Center AU 2811 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the election submitted on petition filed April 21, 2011.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE, WA 99201

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of	:	
SULLENDER	:	
Application No. 12/028,146	:	DECISION ON PETITION
Filed: February 8, 2008	:	TO WITHDRAW
Attorney Docket No. MAE-CS-02	:	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 28, 2011.

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

A review of the file record indicates that the power of attorney to Lewis C. Lee and the attorneys associated with Customer No. 29150, has been revoked by the assignee of the patent application on January 4, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: MICHAEL A. ERVIN
8202 TALBOT COVE
AUSTIN TX 78746

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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ROPES & GRAY LLP
IPRM - Floor 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON MA 02199-3600

MAILED

NOV 12 2010

OFFICE OF PETITIONS

In re Application of
COHEN, David M. et al.
Application No. 12/028,188
Filed: February 08, 2008
Attorney Docket No. **106616-0003-101**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 07, 2010.

The request is **NOT APPROVED**.

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

The request was signed by David P. Halstead on behalf of all attorneys of record, however does not include a Customer Number. Accordingly, since the practitioners were appointed by a Customer Number upon filing of the instant application, the Request must reflect withdrawal of practitioners associated with the same Customer Number.

37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee. Therefore, as there is currently no statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request for Withdrawal.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **DERMWARX INC.**
1835 EAST HALLANDALE BEACH BOULEVARD
SUITE 612
HALLANDALE, FL 33009

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ROPES & GRAY LLP
IPRM - Floor 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON MA 02199-3600

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DEC 06 2010

OFFICE OF PETITIONS

In re Application of
COHEN, David M. et al.
Application No. 12/028,188
Filed: February 08, 2008
Attorney Docket No. **106616-0003-101**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 16, 2010.

The request is **APPROVED.**

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

The request was signed by David P. Halstead on behalf of all attorneys of record who are associated with customer No. 28120. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the address indicated below.

There are no outstanding Office actions at this time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **DERMWARX INC.**
1835 EAST HALLANDALE BEACH BOULEVARD
SUITE 612
HALLANDALE, FL 33009

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.
12/028,207	02/08/2008	Jung Han Lee	240113.402	6275

500 7590 07/13/2011

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE, WA 98104

EXAMINER	
MENGESHA, WEBESHET	
ART UNIT	PAPER NUMBER
3784	
MAIL DATE	DELIVERY MODE
07/13/2011	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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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE WA 98104

In re Application of: LEE, JUNG HAN Serial No.: 12/028207 Filed: February 8, 2008 Attorney Docket No. : 240113.402 Title: FUEL GAS SUPPLY SYSTEM AND METHOD OF AN LNG CARRIER	: DECISION ON A REQUEST TO : PARTICIPATE IN PATENT : PROSECUTION HIGHWAY : PROGRAM AND PETITION : TO MAKE SPECIAL UNDER : CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 7, 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 corresponding application(s) filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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WESTINGHOUSE ELECTRIC COMPANY, LLC
1000 Westinghouse Drive
Suite 141
Cranberry Township PA 16066

MAILED
AUG 29 2011
OFFICE OF PETITIONS

In re Application of	:	
Michael J. HONE et al.	:	
Application No. 12/028,215	:	DECISION ON PETITION
Filed: February 08, 2008	:	
Attorney Docket No. ARF 2007-015	:	

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 07, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed April 07, 2011, which set a statutory period for reply of three (3) months. Accordingly, the date of abandonment of this application is July 08, 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. 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

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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HOLLAND & KNIGHT LLP
10 ST. JAMES AVENUE
BOSTON, MA 02116-3889

MAILED

DEC 27 2010

OFFICE OF PETITIONS

In re Application of :
Byron Johnson :
Application No. 12/028,357 :
Filed: February 8, 2008 :
Attorney Docket No. 111587.00009 :

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 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. 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 Elizabeth R Burkhard., on behalf of the practitioners of record associated with Customer No. 54975.

Customer No. 54975 has been withdrawn as from record. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding Office actions that require a reply from the applicant.

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

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: BYRON K. JOHNSON
9859 S. VAN VLISSINGEN
CHICAGO, IL 60617

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
12/028,357	02/08/2008	Byron Johnson	111587.00009

CONFIRMATION NO. 6559

54975
HOLLAND & KNIGHT LLP
10 ST. JAMES AVENUE
BOSTON, MA 02116-3889

POWER OF ATTORNEY NOTICE

OC000000045119931

Date Mailed: 12/23/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/18/2010.

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

/atkelley/

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

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KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINSTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON DC 20007-5118

MAILED
MAY 2 7 2011
OFFICE OF PETITIONS

In re Application of	:	
GERKIS	:	
Application No. 12/028,365	:	DECISION ON PETITION
Filed: February 8, 2008	:	
Docket No. 213222-00114	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 29, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 30, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1620; and (3) and the required statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

The Terminal Disclaimer filed with the petition has been acknowledged and will be processed by the Technology Center.

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

This application is being referred to Technology Center AU 2465 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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ELMAN TECHNOLOGY LAW, P.C.
P. O. BOX 209
SWARTHMORE PA 19081

MAILED

SEP 22 2010

OFFICE OF PETITIONS

In re Application of
DAVID T. RECIGNO
Application No. 12/028,391
Filed: February 8, 2008
Attorney Docket No. **21604-009002**
(REC1.002)

DECISION ON PETITION

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 application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed September 16, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 17, 2009.

The petition is **GRANTED**.

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

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

The address given on the petition differs from the address of record. A review of the filed indicates that a new Power of Attorney has been appointed by the assignee of the patent application on August 20, 2010. Therefore, a courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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

This application is being referred to Technology Center AU 3732 for appropriate action by the Examiner in the normal course of business on the reply received.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: David T. Recigno
509 Davisville Road
Willow Grove, PA 19090

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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

MAILED
SEP 20 2011
OFFICE OF PETITIONS

In re Patent No. 7,996,089 :
Issue Date: August 9, 2011 :
Application No. 12/028,404 : NOTICE
Filed: February 8, 2008 :
Attorney Docket No. 011765-0368129 :

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 **NOT ACCEPTED.**

The request to change the entity status cannot be accepted because the deficient fee has not been submitted as required by 37 CFR 1.28(C) (2).

As indicated above, the submission filed July 25, 2011, does not include the total deficiency payment of $1,017.

The total deficiency payment must be provided within one (1) month of the mail date of this decision to avoid the return of the deficiency paper. See 37 CFR 1.28 (c)(3). No extension of this 1-month time limit will be granted under 37 CFR 1.136(a).

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

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

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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

MAILED

OCT 18 2011

OFFICE OF PETITIONS

In re Patent No. 7,996,089 :
Issue Date: August 9, 2011 :
Application No. 12/028,404 : NOTICE
Filed: February 8, 2008 :
Attorney Docket No. 011765-0368129 :

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

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

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

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

/Thurman K. Page/

Thurman K. Page
Petitions Examiner
Office of Petitions

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 08/03/2010

Applicant	: Andrew J. Pickering	: DECISION ON REQUEST FOR
Patent Number	: 7646323	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/028,425	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/08/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **111** 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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OFFICE OF PETITIONS

SAND & SEBOLT
AEGIS TOWER, SUITE 1100
4940 MUNSON STREET, NW
CANTON OH 44718-3615

In re Patent No. 7,413,234
Issued: August 19, 2008
Application No.: 12/028,547
Filed: February 8, 2008
Attorney Docket No. **2440002US4AP**

: 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

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	12028588
Filing Date	08-Feb-2008
First Named Inventor	Hisae Shimizu
Art Unit	2629
Examiner Name	CAROLYN EDWARDS
Attorney Docket Number	03500.140808.
Title	DRIVE CIRCUIT AND DRIVE METHOD OF LIGHT EMITTING DISPLAY APPARATUS

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

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

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

Petition Fee

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

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

☐ Applicant(s) status remains as SMALL ENTITY.

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

Reason for withdrawal from issue

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

Signature	/Daniel Barry/
Name	Daniel Barry
Registration Number	65423

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : May 31,2011

In re Application of :

Hisae Shimizu

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12028588

Filed : 08-Feb-2008

Attorney Docket No : 03500.140808.

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed May 31,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

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

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

This application file is being referred to Technology Center AU 2629 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of :
Mitchell Price :
Application No. 12/028,631 : DECISION ON PETITION
Filed: February 08, 2008 :
Attorney Docket No. **NMED.001A** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 05, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 25, 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 April 26, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, and (3) an adequate statement of unintentional delay. Accordingly, the response to the non-final Office action of January 25, 2010 is accepted as having been unintentionally delayed.

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

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

This application is being referred to Technology Center AU 3763 for appropriate action on the concurrently filed amendment.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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

MAILED

JAN 19 2011

OFFICE OF PETITIONS

In re Application of :
Holtzman, et al. :
Application No. 12/028,641 : ON REQUEST FOR
Filed: February 8, 2008 : RECONSIDERATION OF
Attorney Docket Number: 18478US06 : PATENT TERM ADJUSTMENT

This is a decision on the petition under 37 CFR 1.705(b), filed December 22, 2010. Applicants believe that they should be accorded an additional PTA of 63 days. Applicants request this correction on the basis that the Office will take in excess of three years to issue this patent.

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

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

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

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

In view thereof, the correct determination of PTA prior to issuance is **three hundred forty-nine (349) days**.

The application is being forwarded to the Office of Data Management for issuance of the patent.

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

Anthony Knight
Director
Office of Petitions

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

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APR 29 2011

OFFICE OF PETITIONS

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

In re Application of :
Neil E. Goodzeit, et al. :
Application No. 12/028,728 : ON PETITION
Filed: February 8, 2008 :
Attorney Docket No.: 070602-0786 :

This is a decision in response to the petition, filed March 2, 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 September 1, 2010. This decision precedes the mailing of a Notice of Abandonment. On March 2, 2011, the present petition was filed.

It is noted that the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

The application is being referred to Technology Center AU 3641 for consideration of the response filed March 2, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: SOYEON (KAREN) PAK LAUB
18191 VON KARMAN AVE., SUITE 500
IRVINE, CA 92612-7108

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JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED
JAN 30 2012
OFFICE OF PETITIONS

In re Application of :
Heidaran :
Application No. 12/028,756 : ON PETITION
Filed: February 8, 2008 :
Attorney Docket No. 12827-111-999 :
For: EXTRAEMBRYONIC TISSUE CELLS
AND METHOD OF USE THEREOF

This is a decision on the petition, filed January 5, 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 one month of the mailing of the May 27, 2011 Notice of Non-Compliant Amendment (Notice). No response being received, this application became abandoned on June 28, 2011. A Notice of Abandonment was mailed on January 5, 2012.

Applicant has submitted an amendment/election in reply to the May 27, 2011 Notice, an acceptable statement of the unintentional nature of the delay in responding to the May 27, 2011 Notice, and the $1,860.00 petition fee.

Regarding the statement of 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, practitioner 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, practitioner must notify the Office.

The petition is **GRANTED**.

After the mailing of this decision the application will be forwarded to Technology Center AU 1632 for consideration of the amendment/election filed on January 5, 2012.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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

MAILED

OCT 29 2010

OFFICE OF PETITIONS

In re Application of :
Shaun E. Sullivan :
Application No. 12/028,785 :
Filed: February 9, 2008 :
Attorney Docket No. 55809.1.16 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 21, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The 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 Eric J. Snustad, on behalf of the practitioners of record associated with Customer No. 22859.

Customer No. 22859 has been withdrawn as from record. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding Office actions that require a reply from the applicant.

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

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: GREENCENTAIRE, LLC
SHAUN E. SULLIVAN C/O WILLIAM GHIORSO THE GHIORSO LAW FIRM
495 STATE STREET, SUITE 500
SALEM, OR 97301

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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
12/028,785	02/09/2008	Shaun E. Sullivan	55809.1.16

CONFIRMATION NO. 7489

POWER OF ATTORNEY NOTICE

22859
INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET, SUITE 4000
MINNEAPOLIS, MN 55402

OC000000044270893

Date Mailed: 10/29/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/21/2010.

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

/atkelley/

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

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P.O. BOX 160727
AUSTIN TX 78716-0727

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MAR 23 2011

OFFICE OF PETITIONS

In re Application of :
Bennett et al. :
Application No. 12/028,806 : DECISION ON PETITIONS
Filed: February 9, 2008 :
Attorney Docket No. BP4091C1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 4, 2011, to revive the above-identified application and the petition under 37 CFR 1.182, filed March 11, 2011, to expedite processing of the petition to revive.

The petition to expedite is **GRANTED**.

The requisite $400.00 fee for the petition to expedite processing under 37 CFR 1.182 submitted March 11, 2011 has been accepted.

The petition to revive is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before February 17, 2011, as required by the Notice of Allowance and Fee(s) Due mailed November 17, 2010. Accordingly, the date of abandonment of this application is February 18, 2011. A Notice of Abandonment was mailed March 4, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $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

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SHERIDAN, LLP - - APPM/TX
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON TX 77056

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JAN 21 2011

OFFICE OF PETITIONS

In re Application of :
Bhatnagar :
Application No. 12/028,883 : DECISION
Filed: 11 February, 2008 :
Attorney Docket No. 012927/ USA :
AGS/SPARES

This is a decision on the petition filed on 6 August, 2010, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

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

Counsel failed to reply timely and properly to the final Office Action mailed on 5 January, 2010, with reply due absent extension of time on or before 5 April, 2010.

The application went abandoned by operation of law after midnight 5 April, 2010.

The Office mailed a Notice of Abandonment 12 July, 2010.

On 6 August, 2010, Petitioner filed a petition (with fee) pursuant to 37 C.F.R. §1.137(b), averring unintentional delay, a reply in the form of a request for continued examination (RCE) 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 of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2] The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[3]))

As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

---

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

[2] 35 U.S.C. §133 provides:

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

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

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

The instant application is released to Technology Center/AU 1715 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

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

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

[4] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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

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270 MADISON AVENUE
8TH FLOOR
NEW YORK NY 10016-0601

MAILED
MAY 17 2011
OFFICE OF PETITIONS

In re Application of :
HOFMAN et al. :
Application No. 12/028,885 : DECISION ON PETITION
Filed: February 11, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 6648/005 Con1 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 28, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

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

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

The petition does not satisfy items (1) and (3) above.

Copendency does not exist between the present application serial no. 12/028,885 filed February 11, 2008, and application serial no 11/175,982, filed July 6, 2004.

Under 35 U.S.C. 120, when a later-filed application is claiming the benefit of a prior-filed nonprovisional application, the later-filed

> application must be copending with the prior application or with an intermediate nonprovisional application similarly entitled to the benefit of the filing date of the prior application. Copendency is defined in the clause which requires that the later-filed application must be filed before: (A) the patenting of the prior application; (B) the abandonment of the prior application; or (C) the termination of proceedings in the prior application.

Here, application serial no. 11/175,982 was abandoned on January 11, 2008 for failure to prosecute, before the filing date of present application serial no. 12/028,885 filed February 11, 2008.

The amendment to add the reference of the prior-filed applications to page 1, line 3 of the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

In regards to item (3), the rule at 37 CFR § 1.78(a)(3) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Petitioner has not provided the required statement.

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 Jose' G Dees at (571) 272-1569.

David Bucci
Petitions Examiner
Office of Petitions

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270 MADISON AVENUE
8TH FLOOR
NEW YORK NY 10016-0601

MAILED

AUG 10 2011

OFFICE OF PETITIONS

In re Application of
HOFMAN et al.
Application No. 12/028,885
Filed: February 11, 2008
Attorney Docket No. 6648/005 Con1

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed July 21, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

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

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

The petition does not satisfy item (1) above.

The amendment to add the reference of the prior-filed applications to page 1, line 3 of the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an

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

Note, the Israel Patent Application Number cited in the amendment is incorrect. Israel Patent Application Number 162878 is cited in the oath filed February 11, 2008.

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 Jose' G Dees at (571) 272-1569.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SEP 13 2011

OFFICE OF PETITIONS

GOTTLIEB RACKMAN & REISMAN PC
270 MADISON AVENUE
8TH FLOOR
NEW YORK NY 10016-0601

In re Application of :
HOFMAN et al. :
Application No. 12/028,885 : DECISION ON PETITION
Filed: February 11, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 6648/005 Con1 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed August 19, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

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

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

The petition does not satisfy item (1) above.

The amendment to add the reference of the prior-filed applications to page 1, line 3 of the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an

amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

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 Jose' G Dees at (571) 272-1569.

David Bucci
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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GOTTLIEB RACKMAN & REISMAN PC
270 MADISON AVENUE
8TH FLOOR
NEW YORK NY 10016-0601

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NOV 07 2011
OFFICE OF PETITIONS

In re Application of	:	
HOFMAN et al.	:	
Application No. 12/028,885	:	DECISION ON PETITION
Filed: February 11, 2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 6648/005 Con1	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed September 23, 2011 to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petitions are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

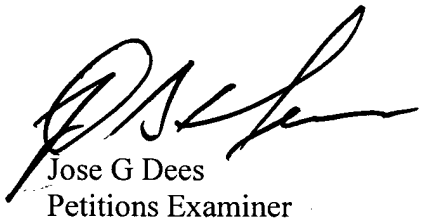
The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled

to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Jose' G Dees at (571) 272-1569. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2624 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.



Jose G Dees
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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
12/028,885	02/11/2008	2624	520	6648/005 Con1	19	3

CONFIRMATION NO. 7715

CORRECTED FILING RECEIPT

22440
GOTTLIEB RACKMAN & REISMAN PC
270 MADISON AVENUE
8TH FLOOR
NEW YORK, NY 10016-0601

OC000000050841034

Date Mailed: 11/07/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Yoram HOFMAN, Kfar-Bialik, ISRAEL;
Alexandra Margolin, Haifa, ISRAEL;

Power of Attorney: The patent practitioners associated with Customer Number 22440

Domestic Priority data as claimed by applicant

This application is a CON of 11/175,982 07/06/2005 ABN

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)
ISRAEL 162878 07/06/2004

If Required, Foreign Filing License Granted: 02/25/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/028,885**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

MULTI-LEVEL NEURAL NETWORK BASED CHARACTERS IDENTIFICATION METHOD AND SYSTEM

Preliminary Class

382

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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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	12028981
Filing Date	11-Feb-2008
First Named Inventor	Naoto Takahashi
Art Unit	2624
Examiner Name	YUBIN HUNG
Attorney Docket Number	00862.140866.
Title	IMAGE PROCESSING APPARATUS AND IMAGE PROCESSING METHOD EMPLOYING RECURSIVE FILTERING

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	/Leonard P Diana/
Name	Leonard P. Diana
Registration Number	29296

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

Decision Date : September 8,2011

In re Application of :

Naoto Takahashi

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12028981

Filed : 11-Feb-2008

Attorney Docket No : 00862.140866.

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed September 8,2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid 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 2624 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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IBM CORPORATION
ROCHESTER IP LAW DEPT. 917
3605 HIGHWAY 52 NORTH
ROCHESTER MN 55901-7829

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APR 26 2011

OFFICE OF PETITIONS

In re Application of :
Gooding et al. :
Application No. 12/029045 : ON PETITION
Filing or 371(c) Date: 02/11/2008 :
Attorney Docket Number: ROC920070399US1 :

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed February 18, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowability, mailed October 25, 2010. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on January 26, 2011. A Notice of Abandonment was mailed February 9, 2011.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

This application is being referred to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

CC: EDWARD J. LENART
515 CONGRESSIONAL AVE., STE. 1400
AUSTIN, TX 78701

UNITED STATES PATENT AND TRADEMARK OFFICE

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NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON DC 20004-2128

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OCT 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Radle et al.	:	DECISION ON PETITION
Application No. 12/029,143	:	TO WITHDRAW
Filed: February 11, 2008	:	FROM RECORD
Attorney Docket No. 741439-51	:	

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**.

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 an outstanding Office action mailed August 25, 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

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.
12/029,143	02/11/2008	Paul RADLE	10-605-US (gr51)	8221

98804 7590 10/04/2011

Reed Smith LLP
P.O. Box 488
Pittsburgh, PA 15230

EXAMINER	
KHATTAR, RAJESH	
ART UNIT	PAPER NUMBER
3693	

NOTIFICATION DATE	DELIVERY MODE
10/04/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptoipinbox@reedsmith.com
mskaufman@reedsmith.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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OCT 0 4 2011

REED SMITH LLP
P.O. BOX 488
PITTSBURGH, PA 15230

In re Patent Application of:
Paul RADLE et al.
Appl No.: 12/029,143
Filed: February 11, 2008
For: GRAPHICAL TRADING INTERFACE FOR VISUALIZING STOP ORDER DATA

DECISION ON PETITION FILED UNDER *37 CFR 1.181*

This is a decision on the petition filed February 24, 2011 requesting that the after final amendment filed on November 16, 2010 be entered. There is no fee required for this petition. The delay in treating this petition is sincerely regretted.

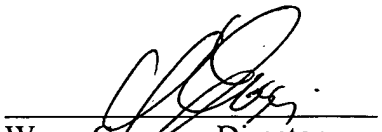
The petition is GRANTED.

After reviewing the above file, the file history shows that a final rejection was mailed on August 25, 2010, in which claims 1-21 were rejected under 35 U.S.C. 102(b) as being unpatentable over Tanpoco (U.S. Patent Number 7,640,207). After receiving the final rejection, the applicant filed an after final amendment on November 16, 2010. In response to the after final amendment of November 16, 2010, the examiner then issued an advisory action on January 25, 2011. In response to the advisory action, the applicant then filed the present petition on February 24, 2011 requesting that the amendment filed on November 16, 2010 be entered. After this petition was filed, the applicant filed an appeal brief on April 8, 2011. In response to the appeal brief the examiner reopened prosecution and sent out a non-final Office action on July 14, 2011.

A review of the July 14, 2011 Office action shows that the rejection did not consider the amendment of November 16, 2010. Since prosecution has been reopened in the application, the amendment after final dated November 16, 2010 should have been entered. The July 14, 2011 Office action is deemed improper. As such, this decision will serve to vacate the non-final rejection mailed on November 16, 2010.

The application will be returned to the examiner for consideration of the amendment filed on November 16, 2010, and a new Office action will be forth coming.

Any questions regarding this decision should be directed to Supervisory Patent Examiner James Kramer at 571-272-6783.



Wynn Coggins, Director
Patent Technology Center 3600
571-272-5350

wc/jak: 9/30/11
LM

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KNOBLE, YOSHIDA & DUNLEAVY
EIGHT PENN CENTER
SUITE 1350, 1628 JOHN F KENNEDY BLVD
PHILADELPHIA PA 19103

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of :
WEBB, R. Michael :
Application No. 12/029,181 : DECISION ON PETITION
Filed: February 11, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. **WEBB-0008US** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 02, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement by R. Michael Webbattesting that she is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3621 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
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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INGRASSIA FISHER & LORENZ, P.C. (GME)
7010 E. COCHISE ROAD
SCOTTSDALE, AZ 85253

MAILED
SEP 13 2011
OFFICE OF PETITIONS

In re Application of :
Klaus-Dieter Rampf :
Application No. 12/029,269 : ON PETITION
Filed: February 11, 2008 :
Attorney Docket No.: 060.0047US :

This is a decision on the petition, filed August 30, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)" as well as the missing item(s) noted below. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely pay the issue and publication fees on or before August 12, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed May 12, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 13, 2011. On August 30, 2011, the present petition was filed, along with a Request for Continued Examination (RCE) under 37 CFR 1.14.

A grantable petition under 37 CFR 1.137(b)[1] must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR

[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).

1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D).

The petition lacks item 1. In this regard, petitioner submitted a RCE under 37 CFR 1.14 as the proposed reply However, the RCE is improper, since the request was not filed prior to August 12, 2011, the date upon which the application became abandoned for failure to pay the issue fees. In an application or patent abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. Consequently, this application cannot be revived in favor of the RCE until the requisite issue and publication fees are paid. Petitioner is reminded that if the RCE is subsequently allowed, the issue fee can be reapplied towards the issue fee required by the new Notice of Allowance.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By Internet:	EFS-Web[2]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/
Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[2] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

INGRASSIA FISHER & LORENZ, P.C. (GME)
7010 E. COCHISE ROAD
SCOTTSDALE, AZ 85253

MAILED
SEP 30 2011
OFFICE OF PETITIONS

In re Application of :
Klaus-Dieter Rampf :
Application No. 12/029,269 : ON PETITION
Filed: February 11, 2008 :
Attorney Docket No.: 060.0047US :

This is a decision in response to the renewed petition, filed September 26, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before August 12, 2011. A Notice of Abandonment was mailed on August 29, 2011. In response, on August 30, 2011, a petition under 37 CFR 1.137(b) was filed along with a Request for Continued Examination (RCE) under 37 CFR 114. Since an application abandoned for failure to pay the issue fee may only be revived upon payment of the issue fee, the petition was dismissed in a decision mailed September 12, 2011. On September 26, 2011, the present petition was filed, including the requisite issue fee.

On reconsideration, the petition is found to comply with the requirements of 37 CFR 1.137(b). Accordingly, the application is revived for consideration of a submission under 37 CFR 1.114 (request for continued examination).

Petitioner is advised that the issue fee paid in the above-identified application cannot be refunded. However, if the above-identified application is again allowed, petitioner may request that the issue fee paid on September 26, 2011, be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

The application file is being forwarded to Technology Center AU 2885 for further processing of the request for continued examination under 37 CFR 1.114.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/029,276	02/11/2008	Masaharu Sugimoto	1924.79792	8507

7590 10/28/2010
GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER
POLO, GUSTAVO D

ART UNIT	PAPER NUMBER
2627	

MAIL DATE	DELIVERY MODE
10/28/2010	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.

Niami Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 10/28/2010 NFARMER
[illegible] 12029276
02 FC:1111 513.00 CR

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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SLATER & MATSIL, L.L.P.
17950 PRESTON ROAD
SUITE 1000
DALLAS, TX 75252

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of :
Werner Jacobs et al :
Application No. 12/029,280 : DECISION ON PETITION
Filed: February 11, 2008 : TO WITHDRAW
Attorney Docket No. QIM 2007 P 52595 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 February 14, 2011.

The request is **APPROVED**.

The request was signed by Ira S. Matsil on behalf of all the practitioners of record and the practitioners associated with Customer Number 68038.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to assignee Qimonda AG at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Qimonda AG
Gustav-Heinemann-Ring 212
Munich 81739 DE

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
12/029,280	02/11/2008	Werner Jacobs	QIM 2007 P 52595 US

CONFIRMATION NO. 8511

POWER OF ATTORNEY NOTICE

68038
SLATER & MATSIL, L.L.P.
17950 PRESTON ROAD
SUITE 1000
DALLAS, TX 75252

Date Mailed: 03/21/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/14/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/029,280	02/11/2008	Werner Jacobs	QIM 2007 P 52595 US

CONFIRMATION NO. 8511

Qimonda AG
Gustav - Heinemann - Ring 212
Munich, 81739
GERMANY

POA ACCEPTANCE LETTER

OC000000046637307

Date Mailed: 03/21/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/14/2011.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111219

DATE : December 19, 2011

TO SPE OF : ART UNIT 1652

SUBJECT : Request for Certificate of Correction on Patent No.: 7,884,081

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:

/R.M./
Supervisory Patent Examiner.Art Unit 1652

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MAILED

JAN 11 2011

OFFICE OF PETITIONS

Novak Druce + Quigg LLP
CityPlace Tower, 525 Okeechobee Blvd.
Fifteenth-Floor
WEST PALM BEACH FL 33401

In re Application of	:	
James R. Lewis, et al.	:	
Application No. 12/029,343	:	DECISION ON PETITION
Filed: February 11, 2008	:	
Attorney Docket No. BOC9-2004-0027US2 (489-1)	:	

This is a decision on the petition, filed December 3, 2010, which is being treated as a petition under 37 CFR 1.181 requesting withdrawal of the holding of abandonment, and in the alternative, a petition to revive the above-identified application under 37 CFR 1.137(b).

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned for failure to timely pay the Issue and publication fees on or before September 7, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed June 4, 2010. A Notice of Abandonment was mailed on September 22, 2010.

Petitioner states that the Issue Fee Payment form (PTO-85B) with authorization to charge the Issue and publication fees was filed on September 3, 2010.

The file record includes the originally submitted papers and indicates receipt of the Issue and Publication fees on September 3, 2010.

Accordingly, the holding of abandonment for failure to timely pay the issue and publication fees on or before September 4, 2010 is hereby withdrawn and the application is restored to pending status.

In view of the above, the petition under 37 CFR 1.137(b) is **DISMISSED** as moot.

Telephone inquiries regarding this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for issuing into a patent.

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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KLEIN, O'NEILL & SINGH, LLP
18200 VON KARMAN AVENUE
SUITE 725
IRVINE CA 92612

MAILED

SEP 15 2011

OFFICE OF PETITIONS

In re Application of :
Kuo et al. :
Application No. 12/029,360 : NOTICE
Filed: February 11, 2008 :
Attorney Docket No. 1291-038.102 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed August 29, 2011.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This application is being forwarded to the Office of Data Management for processing in the normal course of business.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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17950 PRESTON ROAD, SUITE 1000
DALLAS, TX 75252

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AUG 05 2010
OFFICE OF PETITIONS

In re Application of	:	
Kreupl, Franz	:	DECISION ON PETITION
Application No. 12/029,397	:	TO WITHDRAW
Filed: February 11, 2008	:	FROM RECORD
Attorney Docket No. QM000043	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 17, 2010.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney to 68038 was revoked by the Assignee of the patent application on July 17, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise properly notified.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: JOHN S. ECONOMOU
202 MAMARONECK AVE., THIRD FLOOR
WHITE PLAINS NY 10601

UNITED STATES PATENT AND TRADEMARK OFFICE

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K.P. CORRELL AND ASSOCIATES, L.L.P.
270 BELLEVUE AVE., #326
NEWPORT RI 02840

MAILED

DEC 10 2010

OFFICE OF PETITIONS

In re Application of :
Derrah, Steven J. :
Application No. 12/029,441 :
Filed: February 11, 2008 :
Attorney Docket No. DERR0004U1US :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as Attorney or Agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40, filed November 22, 2010.

The request is **DISMISSED**.

A review of the file record indicates that the attorneys/agent associated with Customer Number 34070: (1) do not have power of attorney in this patent application; but (2) have been employed or otherwise engaged in the proceedings in this patent application. The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner was never given power of attorney but is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation.

The Office will continue to mail all future correspondence to the address of record until otherwise properly notified by the applicant.

There is an outstanding Office action, mailed June 16, 2010, which requires a reply. Failure to timely and properly do so will result in abandonment of the instant application.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD, VA 22116

MAILED

SEP 30 2011

OFFICE OF PETITIONS

In re Application of :
Hui-Shen Shih, et al. :
Application No. 12/029,474 : DECISION ON PETITION
Filed: February 12, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: NAUP0949USA :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 13, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment Sheet 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) and (iii) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy items (1) above.

In this regard, the reference to add the above-noted, prior-filed application on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of

the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either 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 matter 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[1]

Telephone inquiries concerning this decision should be directed to Sherry Brinkley at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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NOV 17 2011

OFFICE OF PETITIONS

In re Application of :
Hui-Shien Shih, et al. :
Application No. 12/029,474 : DECISION ON PETITION
Filed: February 12, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: NAUP0949USA :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed October 28, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

> **(1)** the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) and (iii) of the prior-filed application(s), unless previously submitted;[1]
> **(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.

[1] Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS) to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (*see* § 1.14).

The granting of the petition to accept the delayed benefit claim to the prior-filed application(s) 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(s). In order for this application to be entitled to the benefit of the prior-filed application(s), 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(s) should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application(s) noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 1723 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.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries concerning the status of the application should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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
12/029,474	02/12/2008	1723	1180	NAUP0949USA	23	2

CONFIRMATION NO. 8900

CORRECTED FILING RECEIPT

27765
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD, VA 22116

Date Mailed: 11/15/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Hui-Shen Shih, Chang-Hua Hsien, TAIWAN;
Yu-Fang Chien, Taipei County, TAIWAN;

Power of Attorney: The patent practitioners associated with Customer Number 27765

Domestic Priority data as claimed by applicant

This application is a DIV of 11/935,416 11/06/2007 PAT 7,967,960

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 02/27/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/029,474**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

FLUID-CONFINING APPARATUS AND METHOD OF OPERATING THE SAME

Preliminary Class

204

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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JUL 05 2011

OFFICE OF PETITIONS

HUSCH BLACKWELL LLP
190 Carondelet Plaza
Suite 600
ST. LOUIS MO 63105

In re Application of :

KUCER, Stephen et al. :
Application No. 12/029,789 : DECISION ON PETITION
Filed: February 12, 2008 : TO WITHDRAW
Attorney Docket No. 60391.3 : 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 09, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Samuel Digirolamo on behalf of all attorneys of record who are associated with customer No. 27128. All attorneys/agents associated with the Customer Number 27128 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 Kucer at the address indicated below. There is an outstanding Office action mailed May 24, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **STEPHEN KUCER**
3359 GRIFFITH ST.
SAINT LAURENT QUEBEC H4T 1W5

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WESTERNGECO L.L.C.
10001 RICHMOND AVENUE
KEVIN MCENANEY, IP DEPT
HOUSTON TX 77042-4299

MAILED
MAR 31 2011
OFFICE OF PETITIONS

In re Application of :
Peng et al. :
Application Number: 12/029,842 : ON PETITION
Filing Date: 02/12/2008 :
Attorney Docket Number: 594-25689-US-CON1 :

This is a decision in response to the petition under 37 CFR 1.137(b) filed on February 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on August 4, 2010, for failure to timely reply to the non-final Office action mailed on May 3, 2010, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on January 19, 2011.

Receipt of the amendment filed on February 10, 2011 is acknowledged.

The address in the petition is different than the correspondence address. A courtesy copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record. A change of correspondence address should be filed if the correspondence address needs to be updated.

The application is referred to Technology Center Art Unit 2857 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

Cc:

FRED G. PRUNER, JR.
TROP, PRUNER & HU, P.C.
1616 S. VOSS ROAD, SUITE 750
HOUSTON TX 77057

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July 8, 2011

WesternGeco L.L.C.
10001 Richmond Avenue
Kevin McEnaney, IP Dept
HOUSTON TX 77042-4299

In re Application of	:	
Chengbin Peng et al.	:	**DECISION ON PETITION**
Application No. 12029842	:	
Filed: 2/12/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 594-25689-US-CON1	:	***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 12, 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

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Alexandria, VA 22313-1450
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AUG 3 0 2010

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 222314

In re Application of	:	
ALBERT OTTO SELIUS, ET AL.	:	DECISION ON PETITION
Application Number 12/029,847	:	UNDER
Filed: 02/12/2008	:	37 CFR § 1.181
For: COMPUTER SYSTEM AND	:	
COMPUTER-IMPLEMENTED METHOD	:	
FOR MANAGING FUNDING OF	:	
CATASTRPHE RELIEF EFFORT	:	

This is in response to the petition filed on July 22, 2010, under 37 CFR § 1.181, requesting that the requirement under 37 CFR 1.105 be withdrawn as improper.

The petition is **GRANTED**.

Applicants assert that the information requirement under 37 CFR 1.105 is overly broad and that any requirement to provide an explanation "requires applicants to form a legal conclusion as the meaning of claims," which renders the request improper under 37 CFR 1.105.

A review of the record shows that on June 28, 2010 the Office mailed a "Requirement for Information" (hereinafter "105 requirement") under 37 CFR 1.105. On July 22, 2010 applicant filed a response to the requirement as well as this petition.

In the 105 requirement, the examiner required applicant to provide art relied upon 1) for Drafting the Claimed Subject Matter, 2) for Development of Invention and 3) for Drafting Claimed Subject Matter (appears to be a repeat of the requirement made in 1). The examiner further required applicants to, "provide a concise explanation of the reliance placed on that publication in distinguishing the claimed subject matter from the prior art."

MPEP 704.11 states:

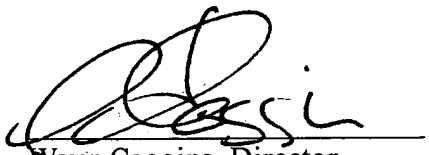
> Information which may be required under 37 CFR 1.105 is that information reasonably necessary to properly examine or treat a matter in a pending or abandoned application filed under 35 U.S.C. 111 (including a reissue application), in a pending or abandoned application that has entered the national stage under 35 U.S.C. 371, in a patent, or in a reexamination proceeding.

There must be a reasonable basis for the information required that would aid in the examination of an application or treatment of some matter. A requirement for information under 37 CFR 1.105 places a substantial burden on the applicant that is to be minimized by clearly focusing the reason for the requirement and the scope of the expected response. Thus, the scope of the requirement should be narrowly defined, and a requirement under 37 CFR 1.105 may only be made when the examiner has a reasonable basis for requiring information.

The terms "factual" and "facts" are included in 37 CFR 1.105 to make it clear that it is facts and factual information, that are known to applicant, or readily obtained after reasonable inquiry by applicant, that are sought, and that requirements under 37 CFR 1.105 are not requesting opinions that may be held or would be required to be formulated by applicant. Where the factual information requested related to the subject application, and details thereof, applicant would be expected to make a reasonable inquiry under the circumstances to find the factual information requested (37 CFR 10.18(b)(2)). Applicant need not, however, derive or independently discover a fact, such as by experimentation, in response to a requirement for information. The purpose of 37 CFR 1.105 is to improve patent quality, and render better decisions, and not to put applicants in jeopardy of meeting their duties of candor and good faith in their replies to a requirement for information

In this case, the examiner's request lacks both a focused reason for the requirement, as well as a narrowly defined scope. Further, the examiner appears to be requesting opinions that may be held or would be required to be formulated by the applicant. Accordingly, the applicants' request that the requirement under 37 CFR 1.105 be withdrawn is **GRANTED**.

Telephone inquiries should be directed to Supervisory Patent Examiner James Kramer at (571) 272-6783.



Wynn Coggins, Director
Technology Center 3600
(571) 272-5350

jak/lm: 08/25/10
LM

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Browdy and Neimark, PLLC
1625 K Street, N.W.
Suite 1100
Washington DC 20006

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DEC 22 2011

OFFICE OF PETITIONS

In re Application of	:	
Hugo De Clerk	:	
Application No. 12/029894	:	
Filing or 371(c) Date: 02/12/2008	:	ON PETITION
Attorney Docket Number:	:	
DE CLERCK=1A	:	

This is a decision on the Petition Under 37 CFR 1.137(b), filed December 5, 2011, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed May 24, 2011. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No complete and proper reply having been received, the application became abandoned on August 25, 2011.

Applicant files the present petition and Amendment in response to the Office action. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment is filed with the present petition; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to Technology Center Art Unit 3732 for processing of the Amendment filed with the petition in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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AUG 09 2010

OFFICE OF PETITIONS

FOX ROTHSCHILD LLP
PRINCETON PIKE CORPORATE CENTER
997 LENOX DRIVE
BLDG. #3
LAWRENCEVILLE NJ 08648

In re Application of :
O'BRIEN, William J. III et al. :
Application No. 12/029,931 : DECISION ON PETITION
Filed: February 12, 2008 : TO WITHDRAW
Attorney Docket No. **71467.00004** : 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 **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Gerard Norton on behalf of all attorneys of record who are associated with customer No. 29880. All attorneys/agents associated with the Customer Number 29880 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 William J. Obrien at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **WILLIAM J. O'BRIEN III**
C/O HYPEROX
424 MILL STREET AT CANAL'S END PLAZA
BRISTOL PA 19007

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/029,962	02/12/2008	Kevin G. Adkins	28231.28	9795

21130 7590 11/03/2010

BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP
ATTN: IP DEPARTMENT DOCKET CLERK
200 PUBLIC SQUARE
SUITE 2300
CLEVELAND, OH 44114-2378

EXAMINER	
GELIN, JEAN ALLAND	
ART UNIT	**PAPER NUMBER**
2617	

NOTIFICATION DATE	DELIVERY MODE
11/03/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent@beneschlaw.com

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Benesch, Friedlander, Coplan & Aronoff, LLP (For Applicant)
Attn: IP Department Clerk
200 Public Square
Suite 2300
Cleveland, Ohio 44114-2378

MAILED
NOV 03 2010
CENTRAL REEXAMINATION UNIT

Arne M. Olson (For Holtzbrinck Publishers)
Olson & Cepuritis, LTD
20 North Wacker Drive
36th Floor
Chicago, Illinois 60606

In re Application of: Kevin G. Adkins : **DECISION**
Application No. 12/029,962 : **GRANTING**
Filing Date: February 12, 2008 : **PETITIONS**
Attorney Docket No.: 28231-28 :

This is a decision on applicant's October 14, 2010 Expedited Petition to Seal or, in the alternative, to Expunge Protected Information pursuant to 37 CFR 1.59(b) and MPEP 724.05(I) and applicant's October 21, 2010 Supplemental paper thereto. The decision also addresses a October 14, 2010 paper filed by Holtzbrinck Publishers, LLC, d/b/a Macmillan, which is not a party to this application (hereinafter "the third party"), the paper being titled "Expedited Petition under 37 C.F.R. 1.59(b) and 37 C.F.R. 1.182."

The three petition papers are before the Office of Patent Legal Administration.

The petition relief requested for expedited consideration of the petitions is **granted**.

The petition relief requested to expunge a paper subject to protective order is **granted**.

FEES

The petition fee of $400 pursuant to 37 CFR 1.17(f) for the October 14, 2010 petition under 37 CFR 1.182 to expedite consideration of this matter was submitted with the petition.

The petition fee of $200 pursuant to 37 CFR 1.17(g) for the October 14, 2010 petition under 37 CFR 1.59(b) was charged to deposit account 02-2051 designating Docket No. 28231-28, as authorized on page 2 of the petition.

The petition fee of $400 pursuant to 37 CFR 1.17(f) for the October 14, 2010 petition under 37 CFR 1.182 was charged to third party's Deposit Account No. 15-0508, as authorized on page 3 of the petition.

DECISION

On August 27, 2010, applicant filed an information disclosure statement (IDS) which cited and provided a copy of a document identified as "Indesign-RF Protocol I-Clicker System.; Responsive Innovations, LLC and Turning Technologies, LLC v. Holtzbrinck Publishers, LLC and MacMillan Publishers, Inc., N.D. Ohio ED 4:08-cv-01184-PCE; 2008-12-16 (12 pages)" (hereinafter referred to as the "Indesign-RF Protocol") and denoted as NPL Doc. 20 on an accompanying form PTO-1449.

On October 14, 2010, applicant petitioned under 37 CFR 1.59(b) and MPEP 724.05(I) to expunge the protected information inadvertently submitted during the prosecution of the '962 application.

Petitioner requested therein that a document ("Indesign-RF Protocol") submitted as part of an information disclosure statement submitted August 27, 2010, and denoted as NPL Doc 20 on the accompanying form 1449, be expunged from the record. Petitioner stated that the information is subject to a protective order,[1] the information had not been made public, and petitioner committed to retain the information "in accordance with the protective order for the duration of any patent" that issues from the instant application.[2]

On October 14, 2010, third party Holtzbrinck Publishers, LLC filed a paper entitled "Expedited Petition under 37 C.F.R. § 1.159(b) and 37 C.F.R. § 1.182" requesting the expungement of the Indesign-RF Protocol. To support its request, Holtzbrinck provided a copy of a protective order from *Responsive* Innovations, *LLC, et al. v. Holtzbrinck Publishers, LLC, et al.*, 4:08-cv-01184-PCE (Eastern Division of the Northern District of Ohio). The petition states that "the document contains trade secret material, proprietary material, and/or material belonging to Petitioner, has not otherwise been made public, and is subject to a protective order," and requests that the above-mentioned document be expunged from the Office proceedings.

As an initial matter, it is noted that Holtzbrinck's petition is not entitled to entry under the rules – see 37 CFR § 1.99, 1.291, and 1.292. Holtzbrinck failed to suggest any provision of the regulations which could provide a basis for entry of its petition, and the Office can identify none. Thus, by rule, Holtzbrinck is not entitled to consideration of the October 14, 2010 petition. Pursuant to 37 CFR 1.183, however, "[i]n an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed." In the present instance,

---

[1] A copy of the protective order from *Responsive Innovations, LLC, et al. v. Holtzbrinck Publishers, LLC, et al.*, 4:08-cv-01184-PCE (Eastern Division of the Northern District of Ohio) was included with the petition.

[2] Note that the provisions of the protective order appear on their face to be inconsistent with applicant retaining the document in question for the life of the patent.

the October 14, 2010 petition paper seeks to protect Holtzbrinck's confidential material consistent with the court's protective order. Further, the petition paper was presented solely to assert the third party's rights in protecting the confidentiality of its materials and in no way deals with the merits of the present application. In order to comply with the court order to protect the rights of the parties to the litigation, the interests of justice require that the application entry right rules be *sua sponte* waived, and the Office is waiving the rules in order to enter and consider Holtzbrinck's petition paper.

On October 18, 2010, prompted by the petition for expedited consideration, the Office, administratively provisionally sealed the document pending resolution of the matter.

On October 21, 2010, applicant filed a supplemental paper stating that "the parties have conferred and agree that Holtzbrinck Publishers, LLC will retain" the Indesign-RF Protocol for the life of the patent.[3]

The Examiner of record, has completed review of the Indesign-RF Protocol and has determined that, with respect to the prosecution history of the '962 application, the Indesign-RF Protocol is not material to the patentability of the claims in the '962 application.

In view of the terms of the protective order, the irreparable harm to the litigation defendant that could be caused by public disclosure of the protected materials, and the facts and circumstances in this instance, applicant's petition is granted. Thus, the Indesign-RF Protocol is expunged from the record. As the document to be expunged has already been made part of the Image File Wrapper (IFW) system and cannot be physically returned, expungement is effected by permanently sealing the document identified above by closing the document in the IFW and marking it as non-public. Holtzbrinck Publishers, LLC is required to retain the Indesign-RF Protocol for the enforceable life of the patent.

Since the present application has been published, a one-time courtesy copy of this decision is being sent to third party Holtzbrinck Publishers, LLC.

CONCLUSION

1. The relief requested in applicant's petitions **is granted** to expunge the Indesign-RF Protocol document submitted August 27, 2010, and denoted as item NPL Doc. 20 on the accompanying form 1449. The signed and initialed form 1449 remains part of the record.

2. As the document to be expunged has already been made part of the Image File Wrapper (IFW) system and cannot be physically returned, expungement is effected by permanently sealing the document identified above by closing the document in the IFW and marking it as non-public.

3. Holtzbrinck Publishers, LLC must retain the expunged document for the enforceable life of

[3] This document carries the signatures of applicant's attorney and third party Holtzbrinck's attorney.

any patent issuing from the '962 application.

4. Inquiries regarding the present decision may be directed to Pinchus M. Laufer, Legal Advisor, at (571) 272-7726, or, in his absence, to Susy Tsang-Foster, Legal Advisor at (571) 272-7711.

Kenneth M. Schor
Senior Legal Advisor
Office of Patent Legal Administration

11-1-10, Kenpet8/

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/030,000	02/12/2008	Christine Bickenbach	A8130.0532/P532	9877

7590 07/19/2011

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

EXAMINER	
BATES, DAVID W	
ART UNIT	PAPER NUMBER
3775	
MAIL DATE	DELIVERY MODE
07/19/2011	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.

Nimi James

Patent Publication Branch
Office of Data Management

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LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE, WA 99201

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of	:	
SULLENDER	:	
Application No. 12/030,003	:	DECISION ON PETITION
Filed: March 30, 2008	:	TO WITHDRAW
Attorney Docket No. EY1-0004US	:	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 28, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Lewis C. Lee and the attorneys associated with Customer No. 29150, has been revoked by the assignee of the patent application on January 5, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquires concerning this decision should be directed to undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: MARGARET M. ANDERSON
106 E. 6TH STREET, SUITE 900
AUSTIN, TX 78701

cc: MICHAEL A. ERVIN
8202 TALBOT COVE
AUSTIN TX 78746

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OCT 20 2010

OFFICE OF PETITIONS

BRIAN KOLO
43586 PURPLE ASTER TERRACE
LEESBURG VA 20176

In re Application of :
David Woodruff :
Application No. 12/030,114 : ON PETITION
Filed: February 12, 2008 :
Attorney Docket No. :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on August 2, 2010, to revive the above-identified application.

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, oath or declaration, and surcharge, (2) the petition fee of $810 (3) a proper statement of unintentional delay.

The petition is **GRANTED**.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to 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 the Office of Patent Application Processing.

JoAnne Burke
Petitions Examiner
Office of Petitions

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ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON DC 20004-1206

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OFFICE OF PETITIONS

In re Application of :
Holger Link, et al. :
Application No. 12/030,136 : ON PETITION
Filed: February 12, 2008 :
Attorney Docket No. 190081/US/2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 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 March 24, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A three (3) month extension of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is September 25, 2010..

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $1,620, and the submission required by 37 CFR 1.114; (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

This application is being referred to Technology Center AU 1775 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

Patent Prosecution Dept.
MURABITO, HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE CA 95113

MAILED

JUN 02 2011

OFFICE OF PETITIONS

In re Application of	:	
H. Peter ANVIN	:	DECISION GRANTING PETITION
Application No. 12/030,149	:	UNDER 37 CFR 1.137(b)
Filed: February 12, 2008	:	
Atty. Docket No.: TRAN-P589	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 27, 2011, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned as a result of applicant's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within one (1) months of the Notice of Appeal Decision from Pre-Appeal Brief Review mailed August 5, 2010, the appeal was dismissed and the proceedings as to the rejected claims were terminated. *See,*37 CFR 1.197(b). As no claim was allowed, the application became abandoned on September 6, 2010. A Notice of Abandonment was mailed on March 22, 2011. *See,* MPEP 1215.04.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Request for Continued Examination (RCE) and RCE fee, and the submission required under 37 CFR 1.114, (2) a petition fee of $1620, and (3) a statement of unintentional delay.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to Technology Center Art Unit 2187.

Ramesh Krishnamurthy

for David Bucci
Petitions Examiner
Office of Petitions

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APR 10 2012
OFFICE OF PETITIONS

LAW OFFICE OF KAREN DANA OSTER, LLC
PMB 506
16869 SW 65TH AVENUE
LAKE OSWEGO OR 97035

In re Application of :
Neace et al. :
Application No. 12/030,150 : DECISION ON PETITION
Filed: February 13, 2008 : PURSUANT TO
Attorney Docket No. 30563/00012 : 37 C.F.R. § 1.181(A)
Title: APPARATUS FOR EXTRACTING :
COLD-BREWED COFFEE CONCENTRATE :

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on March 18, 2012. This is also a decision on the concurrently submitted petition pursuant to 37 C.F.R. § 1.137(b) to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED**.

The petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed November 4, 2010, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on February 5, 2011.

A notice of abandonment was mailed on May 6, 2011. More than ten months later, these two petitions were filed.

Regarding the petition pursuant to 37 C.F.R. § 1.181(a), 37 C.F.R. § 1.181(f) sets forth, *in pertinent part*:

> Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

As such, the petition under 37 C.F.R. § 1.181 is **DISMISSED** as untimely.

It is noted that a review of the electronic file shows that an amendment and a three-month extension of time were received on May 4, 2011. The $555 submitted on May 4, 2011 will be refunded to the credit card used to submit the same in due course.

Regarding the petition pursuant to 37 C.F.R. § 1.137(b), a grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

37 C.F.R. § 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional. Since the statement contained in this petition varies from the language required by 37 C.F.R. § 1.137(b)(3), the statement contained in this petition is being construed as the statement required by 37 C.F.R. § 1.137(b)(3) and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

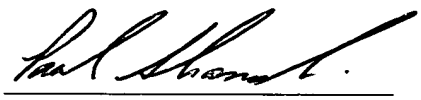
With this petition, Petitioner has submitted a statement that is being construed as the proper statement of unintentional delay. The petition fee will be charged to Deposit Account No. 50-2115, as authorized on the third page of this petition, and the amendment of May 4, 2011 will serve as the required response. As

such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable.

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on May 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 revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[1] All other inquiries concerning this application should be directed to the Technology Center.



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 Petitioner's further action(s).

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/030,150	02/13/2008	Robert Neace JR.	30563/00012

CONFIRMATION NO. 1166

26790
LAW OFFICE OF KAREN DANA OSTER, LLC
PMB 506
16869 SW 65TH AVENUE
LAKE OSWEGO, OR 97035

POA ACCEPTANCE LETTER

OC000000053612926

Date Mailed: 04/09/2012

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/13/2012.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/pashanoski/

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
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/030,150	02/13/2008	Robert Neace JR.	30563/00012

CONFIRMATION NO. 1166

POWER OF ATTORNEY NOTICE

OC000000053612925

Bullivant Houser Bailey PC
888 SW 5th Avenue, suite 300
Portland, OR 97204

Date Mailed: 04/09/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/13/2012.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/pashanoski/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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FISH & RICHARDSON P.C. (DE)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

NOV 08 2010

OFFICE OF PETITIONS

In re Application of :
Pentyala et al. :
Application No. 12/030,172 :
Filed: February 12, 2008 :
Attorney Docket No. 20497-006001/R-7880 :

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 9, 2010.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

> (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
>
> (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
>
> (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with items (1) and (2) listed above.

Further, the Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) was appointed by a specific designation, then the Request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request.

In the instant application, the Customer Number provided on the request does not match the Customer Number in the USPTO system. Further, the person signing the request does not appear to have power of attorney in the instant application.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted. A courtesy copy will be mailed to the address listed on the request.

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: DUANE MORRIS LLP - BOSTON
IP DEPARTMENT
SUITE 500
470 ATLANTIC AVENUE
BOSTON, MA 02210-2243

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P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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APR 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Pentyala et al.	:	DECISION ON PETITION
Application No. 12/030,172	:	TO WITHDRAW
Filed: February 12, 2008	:	FROM RECORD
Attorney Docket No. 20497-006001/R-7880	:	

This is a decision on the second Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 15, 2011.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) was appointed by a specific designation, then the Request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request.

In the instant application, the practitioners were appointed via Customer Number. However, as stated in the previous decision mailed November 8, 2010, the Customer Number provided on the request does not match the Customer Number in the USPTO system. Further, Lee Crews, PhD, the person signing the request is not listed as an attorney of record.

Further, the instant application became abandoned on September 20, 2010 (January 20, 2011 with a five-month extension of time) for failure to timely respond to the Office action mailed August 19, 2010. The Office will not decide requests to withdraw from representation as practitioner of record which are filed after the expiration date of a time period for reply or the expiration date of a time period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). As such, any renewed Request to Withdraw as Attorney will not treated on the merits, but will only be placed in the application.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. 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: DUANE MORRIS LLP
470 ATLANTIC AVENUE
SUITE 500
BOSTON, MA 02210

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/4/11

TO SPE OF : ART UNIT: 2816

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/030,253 Patent No. 7,688,565

CofC mailroom date 3/14/11

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: _____

_____

_____

_____

/Jared Fureman/ — **SPE**

2836 — **Art Unit**

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NEUSTEL LAW OFFICES, LTD.
2534 SOUTH UNIVERSITY DRIVE
SUITE 4
FARGO ND 58103

MAILED

OCT 12 2010

OFFICE OF PETITIONS

In re Application of :
CALDWELL, Douglas F. et al. :
Application No. 12/030,261 : DECISION ON PETITION
Filed: February 13, 2008 : TO WITHDRAW
Attorney Docket No. **HERB-002** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 17, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Michael S. Neustel, the sole attorney of record. Michael S. Neustel has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Douglas Caldwell at the address indicated below.

There is an outstanding Office action mailed August 20, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **DOUGLAS CALDWELL**
P.O. BOX 1998
NEVADA CITY, CA 95959

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MOTOROLA MOBILITY, INC
600 NORTH US HIGHWAY 45
W2-55BB
LIBERTYVILLE IL 60048-5343

MAILED
MAY 16 2011
OFFICE OF PETITIONS

In re Application of :
Ratasuk, et al. :
Application No. 12/030,323 : ON PETITION
Filed: February 13, 2008 :
Attorney Docket No. CE18035 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed April 11, 2011.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action mailed October 8, 2010. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on January 9, 2011.

With the instant petition, applicants made the proper statement of unintentional delay, paid the petition fee, and filed the required reply in the form of an Amendment.

The application is being forwarded to Group Art Unit 2617 for consideration of the Amendment, filed April 11, 2011 .

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE WA 99201

MAILED

MAR 19 2012

OFFICE OF PETITIONS

In re Application of :
Meredith June Morris et al :
Application No. 12/030,331 : DECISION GRANTING PETITION
Filed: February 13, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. MS1-4632US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 16, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 1, 2012 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 2162 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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OCT 12 2011

OFFICE OF PETITIONS

QUALCOMM INCORPORATED
5775 MOREHOUSE DR
SAN DIEGO CA 92121

In re Patent No. 7,986,959	:	DECISION ON
Malladi, et al.	:	PATENT TERM ADJUSTMENT
Issue Date: July 26, 2011	:	AND NOTICE OF INTENT
Application No. 12/030,333	:	TO ISSUE
Filed: February 13, 2008	:	CERTIFICATE OF
Attorney Docket No. 071053U1	:	CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(d)", filed September 26, 2011. Patentees request that the patent term adjustment indicated on the patent be corrected from five hundred fifty-one (551) days to one thousand five hundred ninety-two (592) days.

The petition is **GRANTED**.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **five hundred ninety-two (592)** days.

On July 26, 2011, the above-identified application matured into U.S. Patent No. 7,986,959. Patentees timely filed an application for patent term adjustment under 37 CFR 1.705(d) on September 26, 2011. Patentees assert that they should not have been assessed applicant delay of ninety-two (92) days for the submission of an

IDS on April 26, 2011, after the Notice of Allowance was mailed on March 7, 2011. Rather, Patentees assert that they should have only been assessed applicant delay of fifty-one (51) days.

37 CFR 1.704(c)(10) states that applicant delay shall be assessed "beginning on the date the...paper was filed and ending on the mailing date of the Office action or notice in response to the... paper". Here, Applicant filed the IDS on April 26, 2011, and the Office mailed a response on June 15, 2011. Accordingly, Applicants should have been accorded 51 days of delay for the filing of the IDS, not 92 days as reflected in PAIR.

In view thereof, the correct determination of PTA at the time of issuance is five hundred ninety-two (592) days (480 days of "A" delay and 163 days of "B" delay, reduced by 51 days of applicant delay.

The $200.00 fee set forth in 37 CFR §1.18(e) has been charged to Deposit Account No. 17-0026, as authorized.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 C.F.R. § 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **five hundred ninety-two (592)** days subject to any disclaimers.

Telephone inquiries specific to this matter should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: draft certificate of correction

UNITED STATES PATENT AND TRADEMARK OFFICE

DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,986,959 B2

DATED : **July 26, 2011**

INVENTOR(S) : Malladi, 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 551 days.

Delete the phrase "by 551 days" and insert – by 592 days--

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www.uspto.gov

MAILED

MAY 27 2011

OFFICE OF PETITIONS

ATTENTION: PETER HWANG
BARRACUDA NETWORKS, INC
3175 S. WINCHESTER BOULEVARD
CAMPBELL CA 95008

In re Application of :
Zachary Levow et al. :
Application No. 12/030,339 : ON PETITION
Filed: February 13, 2008 :
Attorney Docket No. **Z-PTNTR200801** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 19, 2011, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 18, 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. The application became abandoned on May 19, 2008.

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 oath or declaration previously filed on June 12, 2008, (2) the petition fee of $1,620 (3) a proper statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Patent Application Processing.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Peter G. H. Hwang
P.O. Box 151616
San Rafael, CA 94915

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DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
250 PARK AVENUE
NEW YORK NY 10177

MAILED

NOV 15 2010

OFFICE OF PETITIONS

In re Application of :
Asgari :
Application No.12/030,350 :
Filed: February 13, 2008 :
Attorney Docket No. :
189023/US/2-479686-0004 :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 18, 2010, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 17, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Accordingly, the date of abandonment of this application is June 18, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Notice of Appeal and fee; (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

The two-month period for filing an appeal brief under 37 CFR 41.37(a)(1), accompanied by the fee required by 37 CFR 41.20(b)(2), runs from the date of this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 3738 for processing in the normal course of business.

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

MAILED

NOV 12 2010

OFFICE OF PETITIONS

In re Application of :
Jeffrey BROWN, et al. : DECISION GRANTING STATUS
Application No. 12/030,408 : UNDER 37 CFR 1.47(a)
Filed: February 13, 2008 :
Attorney Docket No. 36488-252718 :

This is in response to the petition under 37 CFR 1.47(a), filed June 17, 2008.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to Ramesh Krishnamurthy at (571) 272-4914.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Robert Aish
32 Chilbolton Avenue
Winchester
Hampshire S022 5HD, United Kingdom

MAILED

NOV 12 2010

OFFICE OF PETITIONS

In re Application of
Jeffrey Brown and Robert Aish
Application No. 12/030,408
Filed: February 13, 2008
For: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR COMPUTER MODELING WITH GENERATIVE COMPONENTS

Dear Mr. Aish:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Ramesh Krishnamurthy at (571) 272 - 4914. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

UNITED STATES PATENT AND TRADEMARK OFFICE

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COZEN O'CONNOR
277 PARK AVENUE 20TH FLOOR
NEW YORK NY 10172

MAILED

APR 10 2012

OFFICE OF PETITIONS

In re Application of :
Fitzgerald, et al. :
Application No. 12/030,410 : ON PETITION
Filed: February 13, 2008 :
Attorney Docket No. 6048-2-316721.000 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed March 20, 2012.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above application became abandoned for failure to timely file a reply to the non-final Office action mailed March 30, 2011. This Office set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on July 1, 2011. The Office mailed a Notice of Abandonment on October 18, 2011.

With the instant petition, petitioner has made the proper statement of unintentional delay, paid the petition fee, and submitted the required reply in the form of an Amendment.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such

inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application is being forwarded to Group Art Unit 3715 for consideration of the Amendment, filed March 20, 2012.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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P.O. Box 1450
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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

MAILED

APR 06 2011

OFFICE OF PETITIONS

In re Application of	:	
William Betts	:	
Application No. 12/030,416	:	DECISION ON PETITION
Filed: February 13, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 050909-1030	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 20, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by an attorney on behalf inventor William L. Betts attesting to his/her age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2117 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

Attorney Docket. No. D08004US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant (s): Gerwin Damberg et al.

Serial No. : 12/030,448

Filing Date : Feb. 13, 2008

Title : Temporal Filtering of Video Signals

Examiner : Guertin, Aaron M.

Art Unit: 2629

Confirmation No.: 1727

Customer No. 74507

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 22, 2010

Petition for Advancement of Examination

Sir,

This is a petition under 37 C.F.R. § 1.102.

Special status for examination of the above-identified application is being requested under the Project Exchanged/Patent Application Backlog Reduction Stimulus Plan. In particular, this is a petition the above-identified application be advanced out of turn for examination under the Project Exchanged/Patent Application Backlog Reduction Stimulus Plan in accordance with the requirements set forth at 75 Fed. Reg. 36063 (June 24, 2010) and 74 Fed. Reg. 62285 (November 27, 2009). The basis under which special status is being sought is the express abandonment of another copending application (identified below). Applicant has not filed petitions in more than fourteen other applications requesting special status under the Project Exchanged/Patent Application Backlog Reduction Stimulus Plan.

The present application is a nonprovisional application that has actual filing date earlier than

October 1, 2009. Applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 C.F.R. § 1.53, namely application S.N. 12/323,681, filed 11/26/2008.

The present application for which special status is sought and the other copending nonprovisional application were owned by the same party, namely Dolby Laboratories Licensing Corporation.

Applicant is concurrently filing a letter of express abandonment under 37 C.F.R. § 1.138(a) in the above–identified copending nonprovisional application before it has been taken up for examination. Application is not and will not use the express abandonment of said application S.N. 12/323,681, filed 11/26/2008, to form the basis for more than one petition under 37 C.F.R. § 1.102. A copy of the letter of express abandonment accompanies this petition. Applicant is including the following statements in the letter of express abandonment:

a) a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code;

b) a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

c) a statement that the applicant has not an will not file a new application that claims the same invention claimed in the expressly abandoned application (wherein the phrase "same invention" has the same meaning as used in the context of statutory double patenting under 35 U.S.C. 101).

Applicant agrees to make an election without traverse in a telephone interview if the U. S. Patent and Trademark Office determines that the claims of this application to be make special are directed to two or more independent and district inventions (see 35 U.S.C. § 121, 37 C.F.R. § 1.141-142).

Applicant understand that the requirement for a fee to consider a petition to make special for application pertaining to Project Exchanged/Patent Application Backlog Reduction Stimulus Plan has been waived by the U. S. Patent and Trademark Office.

Respectfully submitted,

/ Heath Hoglund/

Heath Hoglund

Reg. No. 41,076

Attorney Docket. No. CIN 1005-33U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant (s): Joseph Oren et al.

Serial No. : 12/323,681

Filing Date : November 26, 2008

Title : REPLACEMENT BASED WATERMARKING

Examiner : BELLA, MATTHEW C

Art Unit: 2624

Confirmation No.: 8219

Customer No. 23823

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 22, 2010

EXPRESS ABANDONMENT

This is a petition under 37 C.F.R. §1.138.

The Applicant requests that the above-identified application be expressly abandoned as of the filing date of this paper. This Express Abandonment is being filed concurrently with a petition under 37 C.F.R. §1.102 requesting that an applicant's copending application SN - 12/030,448, filed 02-13-2008, be accorded special status under the Project Exchange/Patent Application Backlog Reduction Stimulus Plan.

Applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35 United States Code.

Applicant agrees not to request a refund of any fees paid in this expressly abandoned application.

Applicant has not and will not file a new application that claims the same invention

claimed in the expressly abandoned application (wherein the phrase "same invention" has the same meaning as used in the context of statutory double patenting under 35 U.S.C. § 101).

Respectfully submitted,
/Heath Hoglund/
Heath Hoglund
Reg. No. 41,076

Electronic Acknowledgement Receipt

EFS ID:	9097347
Application Number:	12323681
International Application Number:	
Confirmation Number:	8219
Title of Invention:	Replacement Based Watermarking
First Named Inventor/Applicant Name:	Joseph Oren
Customer Number:	23823
Filer:	Heath W. Hoglund/Migi Guo
Filer Authorized By:	Heath W. Hoglund
Attorney Docket Number:	1005-33U
Receipt Date:	22-DEC-2010
Filing Date:	26-NOV-2008
Time Stamp:	14:26:23
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Letter Express Abandonment of the application	CIN1005-33U-20101222-Abandonment.pdf	16550 8b554d95772c15821e121d6d4b670b3b12efec9d	no	2

Warnings:	
Information:	

Total Files Size (in bytes):	16550

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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JAN 14 2011

OFFICE OF PETITIONS

Dolby Laboratories Inc.
100 Potrero Avenue
San Francisco CA 94103-4938

In re Application of :
DAMBERG, et al. :
Application No. 12/030,448 :
Filed: February 13, 2008 :
Attorney Docket No. **D08004US01** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed December 22, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.

Brian W. Brown
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/27/11

TO SPE OF : ART UNIT 1743

SUBJECT : Request for Certificate of Correction for Appl. No.: 12030452 Patent No.: RE41512

CofC mailroom date:
2/16/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

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.

X Approved	**All** changes apply.
❑ **Approved in Part**	Specify below which changes **do not** apply.
❑ **Denied**	State the reasons for denial below.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Comments: None

Joseph. S Del Sole,	1743
/Joseph S. Del Sole/	
SPE	**Art Unit**

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Cozen O'Connor
277 Park Avenue, 20th floor
NEW YORK NY 10172

MAILED
APR 13 2012
OFFICE OF PETITIONS

In re Application of	:	
Fitzgerald et al.	:	
Application No. 12/030,496	:	DECISION ON PETITION
Filed: February 13, 2008	:	PURSUANT TO
Attorney Docket No.: 6048-3-316723.00	:	37 C.F.R. § 1.137(B)
Title: COMPUTER-BASED EVALUATION TOOL FOR ORGANIZING AND DISPLAYING RESULTS OF DATASET ANALYSIS	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed March 20, 2012, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to a non-final Office action, mailed April 13, 2011, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on July 14, 2011. A notice of abandonment was mailed on October 26, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply

until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted a terminal disclaimer to obviate a double patenting rejection over a "prior" patent along with the associated fee, an amendment, the petition fee, and the proper statement of unintentional delay. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the terminal disclaimer and the amendment that were each received on March 20, 2012 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[2] All other inquiries

1 See Rule 1.137(d).

2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

concerning this application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions

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APPLIED OPTOELECTRONICS, INC.
13115 JESS PIRTLE BLVD.
SUGAR LAND TX 77478

MAILED
DEC 13 2011
OFFICE OF PETITIONS

In re Application of

Chen

Application No. 12/030,499

Filed: February 13, 2008

DECISION ON PETITION

Attorney Docket No. **PAT085US**

This is a decision on the petition under 37 CFR 1.137(b), filed November 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper response to the final Office action mailed March 3, 2011. The final Office action set a shortened statutory period for reply of three months from its mailing date. A proper response was received, and the application became abandoned on June 4, 2011. A Notice of Abandonment was mailed September 16, 2011.

The Request for Continued Examination filed November 22, 2011, is noted.

The address cited on the petition differs from the address of record. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

The application file is being forwarded to Technology Center 2600, GAU 2613 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Cc:
Kevin J. Carroll
Grossman Tucker Perreault & Pfleger, PLLC
55 South Commercial Street
Manchester, NH 03101

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PATENT SERVICES
101 COLUMBIA ROAD
PO BOX
MORRISTOWN, NJ 07962-2245

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MAR 22 2011

OFFICE OF PETITIONS

In re Application of :
Gerald W. Bilski, et al. :
Application No. 12/030,595 : DECISION GRANTING PETITION
Filed: February 13, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. H0014861 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 21, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 30, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1797 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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GREER, BURNS & CRAIN
300 S. Wacker Drive, 25th Floor
Chicago, IL 60606

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Bruce McKendry, et al.	:	
Application No. 12/030,629	:	DECISION ON PETITION
Filed: July 20, 2010	:	TO WITHDRAW
Attorney Docket No. 11008	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 20, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Greer, Burns & Crain has been revoked by the assignee of the patent application on August 16, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **R. MICHEAL WEST**
LAW OFFICES OF R. MICHAEL WEST
1922 21st Street
Sacramento, CA 95811

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/030,668	02/13/2008	Takeshi Koike	321893US3	1108

22850 7590 05/05/2011

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
MANCHO, RONNIE M	

ART UNIT	PAPER NUMBER
3664	

NOTIFICATION DATE	DELIVERY MODE
05/05/2011	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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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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MAY - 4 2011

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	DECISION ON PETITION
Takeshi KOIKE et al.	:	UNDER 37 CFR 1.181
Application No. 12/030,668	:	
Filed: February 13, 2008	:	
For: CONTROL DEVICE OF WORK POSITIONING APPARATUS	:	

This is in response to applicants' petition under 37 CFR 1.181 filed March 14, 2011 requesting consideration of the Information Disclosure Statement (IDS) filed February 3, 2011.

The petition is **DISMISSED AS MOOT**.

A review of the record reveals that the examiner did consider the IDS as indicated in the supplemental notice of allowability to applicant mailed on March 24, 2011.

Any questions regarding this decision should be directed to Quality Assurance Specialist Lanna Mai at (571) 272-6867.

Kathy Matecki

Kathy Matecki, Director
Technology Center 3600
(571) 272-5250

lm: 4/27/11

LM

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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of :
Malan de Villiers, et al. :
Application No. 12/030,772 : DECISION ON PETITION
Filed: February 13, 2008 : TO WITHDRAW
Attorney Docket No. 022031-000320US : 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 17, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Kilpatrick Townsend & Stockton LLP has been revoked by the assignee of the patent application on June 2, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **WILSON, SONSINI, GOODRICH & ROSATI**
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

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United States Patent and Trademark Office
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KILPATRICK TOWNSEND & STOCKTON LLP/Apple
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

SEP 30 2011

OFFICE OF PETITIONS

In re Application of :
Krueger, et al. : DECISION ON PETITION
Application No. 12/030,774 :
Filed: February 13, 2008 :
Atty. Dkt. No.: 20750P-005600US

This decision is in response to the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed September 26, 2011.

The Notice of Abandonment mailed September 19, 2011 indicates that the application is abandoned for failure to timely submit a proper reply to the non-final Office action mailed December 8, 2010.

Petitioner asserts that a reply was timely filed March 7, 2011.

The reply filed March 7, 2011 has been located in the official application file.

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 2618 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

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P.O. Box 1450
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HAHN & VOIGHT PLLC
1012 14TH STREET, NW
SUITE 620
WASHINGTON DC 20005

MAILED

OCT 12 2010

OFFICE OF PETITIONS

In re Application of :
Charles-Marc LAAGER et al. :
Application No. 12/030,775 : DECISION ON PETITION
Filed: February 13, 2008 :
Attorney Docket No. SOEI-101 :

This is a decision on the petition, filed June 02, 2010, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.8(b) is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts, mailed March 03, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. A notice of abandonment was mailed May 27, 2010.

Petitioner states that a response to the Notice to File Missing Parts, mailed March 03, 2008 was filed timely.

A review of the Office records indicates that a response was filed March 03, 2008 however the response included an incorrect application number. In processing by the Office the response was initially placed in 12/030,791. However a subsequent review of the identifiers by the Office indicates that the correct serial number should have been 12/030,775. The Office moved the response of March 03, 2008 from 12/030,791 to 12/030,775 and the response has been entered. Since the Office has discovered the mistake by applicant in the papers filed, the petition will therefore be granted.

In view of the above, the holding of abandonment for failure to timely file a reply to the Office action of March 03, 2008, is hereby withdrawn and the application is restored to pending status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

The application file is being referred to the Office of Patent Application Processing.

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

MAILED

SEP 21 2011

OFFICE OF PETITIONS

In re Application of	:	
Rupesh Chhatrapati, et al.	:	
Application No. 12/030,796	:	DECISION GRANTING PETITION
Filed: February 13, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. AOL0010D	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 19, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 2, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2167 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10-21-10 **Paper No.:** _____

TO SPE OF : ART UNIT ~~1795~~ 1781

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/630,836 Patent No.: 7731997

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: Check claims

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☐ **Approved**	**All** changes apply.
☒ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

ALL CHANGES APPROVED EXCEPT THE AMENDMENT TO THE ABSTRACT WHICH SHOULD INCLUDE THAT IT IS THE SECOND INSTANCE OF THE WORD "WALL" (LINE 14) THAT SHOULD BE REPLACED WITH --WELL--.

AW

SPE _____ **ART UNIT** 1781

PTOL-306 (REV. 7/03) **U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office**

KEITH D. HENDRICKS
SUPERVISORY PATENT EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET,
SUITE 4000
CHARLOTTE NC 28280-4000

MAILED

JAN 31 2011

OFFICE OF PETITIONS

In re Application of

Anderson, et al.

Application No. 12/030,849

Filed: February 3, 2008

Attorney Docket No. **057449-393665**

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 24, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 5, 2010, which set a shortened statutory period for reply of three (3) months from its mailing date. An extension of time within the third month pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on September 6, 2010. A Notice of Abandonment was mailed September 29, 2010.

The amendment filed November 24, 2010, is noted.

The application is being forwarded to Technology Center 1600, GAU 1627 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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P.O. Box 1450
Alexandria, VA 22313-1450
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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, SE
SUITE 1500
ATLANTA, GA 30339-5994

MAILED

AUG 27 2010

OFFICE OF PETITIONS

In re Application of :
Mrinal Thakur :
Application No. 12/031,053 : DECISION ON PETITION
Filed: February 14, 2008 :
Attorney Docket No. 742001-1060 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 30, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 14, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provision of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 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 $70, (3) a proper statement of unintentional delay and (4) terminal disclaimer and fee as set forth in 37 CFR 1.137(d).

In view of the above, the petition is **GRANTED**.

The terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1795 for appropriate action by the Examiner in the normal course of business on the reply received June 9, 2010.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : January 24, 2012

In re Application of :

Mrinal Thakur

Application No : 12031053

Filed : 14-Feb-2008

Attorney Docket No : 742001-1060

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 January 24, 2012

The request is **APPROVED.**

The request was signed by M. Paul Qualey, Jr. (registration no. 43024) on behalf of all attorneys/agents associated with Customer Number 24504 . All attorneys/agents associated with Cusotmer Number 24504 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	Mrinal Thakur
Name2	
Address 1	971 Law Dr.
Address 2	
City	Auburn
State	AL
Postal Code	36830
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	12031053
Filing Date	14-Feb-2008
First Named Inventor	Mrinal Thakur
Art Unit	1725
Examiner Name	CHRISTINA CHERN
Attorney Docket Number	742001-1060
Title	PHOTOVOLTAIC APPLICATIONS OF NON-CONJUGATED CONDUCTIVE POLYMERS

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 24504

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Mrinal Thakur
Address	971 Law Dr.
City	Auburn
State	AL
Postal Code	36830
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/M. Paul Qualey, Jr./
Name	M. Paul Qualey, Jr.
Registration Number	43024

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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THE SMALL PATENT LAW GROUP LLP
225 S. MERAMEC, STE. 725T
ST. LOUIS MO 63105

MAILED

DEC 27 2010

OFFICE OF PETITIONS

In re Application of :
Lebl et al. :
Application No. 12/031,054 : DECISION GRANTING PETITION
Filed: February 14, 2008 : UNDER 37 CFR 1.137(b)
Attorney Docket No. IP-0269-US (830-2269) :

This is a decision on the petition, filed December 7, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant non-provisional 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 February 10, 2009. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of March 31, 2011, accompanies this decision on petition.

This matter is being referred to Technology Center AU 1773 for further examination in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/031,054	02/14/2008	Michal Lebl	IP-0269-US (830-2269)

CONFIRMATION NO. 1842

38790
THE SMALL PATENT LAW GROUP LLP
225 S. MERAMEC, STE. 725T
ST. LOUIS, MO 63105

NONPUBLICATION RESCISSION LETTER

OC000000045085206

Date Mailed: 12/22/2010

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 03/31/2011.

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".

/lswalsh/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

MAILED

FEB 17 2011

OFFICE OF PETITIONS

In re Application of :
Mario Bilac et al : DECISION REFUSING STATUS
Application No. 12/031,281 : UNDER 37 CFR 1.47(a)
Filed: February 14, 2008 :
Attorney Docket No. 2007P07711 US01 :

This is in response to the petition under 37 CFR 1.47(a), filed April 22, 2008.

The petition is **dismissed.**

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

As to item (1), there is no evidence that the non-signing inventor Bin Zhang was presented with the application papers. The evidence of record only indicates that the non-signing inventor was presented with the declaration and assignment. Therefore, at the very least, petitioner should mail correspondence to the inventor's last known address, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to Bin Zhang, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventors, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventors cannot be reached

after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

As authorized, the $200 petition fee is being charged to petitioner's Deposit Account No. 19-2179.

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 Irvin Dingle at (571) 272-3210.

/dab/
David Bucci
Petition Examiner
Office of Petitions

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

MAILED
JUN 16 2011
OFFICE OF PETITIONS

In re Application of	:	
Mario Bilac et al	:	DECISION REFUSING STATUS
Application No. 12/031,281	:	UNDER 37 CFR 1.47(a)
Filed: February 14, 2008	:	
Attorney Docket No. 2007P07711 US01	:	

This is a decision on the petition filed, March 23, 2011, requesting reconsideration of a decision mailed February 17, 2011, which refused to accord 37 CFR 1.47(a) status to the above-identified application.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) set forth above.

As to item (2), the declaration is defective in that it has been altered. In this regard, the block for the citizenship lists CN, which is crossed through and printed beside it is US. Since the declaration cannot be amended, a new declaration is required that is not altered or amended and clearly sets forth the inventive entity of this application.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the

address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By Hand: U. S. Patent and Trademark Office
Customer Window, Mail Stop PETITIONS
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the Irvin Dingle at (571) 272-3210.

/David Bucci/
Petitions Examiner
Office of Petitions

cc: Siemens Corporation
Intellectual Property Department
3333 Old Milton Parkway
Alpharetta, GA 30005

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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OFFICE OF PETITIONS

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

In re Application of	:	
Aronowich et al.	:	DECISION ON PETITION
Application No. 12/031,352	:	TO WITHDRAW
Filed: February 14, 2008	:	FROM RECORD
Attorney Docket: KNSH 2229	:	

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 23, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that Oliff & Berridge, PLC were revoked as power of attorney by the assignee of the patent application on July 28, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: MYERS WOLIN, LLC
100 HEADQUARTERS PLAZA
NORTH TOWER, 6TH FLOOR
MORRISTOWN, NJ 07960-6834

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	12031380
Filing Date	14-Feb-2008
First Named Inventor	Roberto Tagliabue
Art Unit	3764
Examiner Name	SHILA JALALZADEH ABYANE
Attorney Docket Number	215127.01006
Title	COLLECTION AND DISPLAY OF ATHLETIC INFORMATION

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:
(1) Petition fee; and
(2) One of the following reasons:
(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☐ Applicant(s) status remains as SMALL ENTITY.

☒ Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

◯ One or more claims are unpatentable ◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees) ◯ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).
RCE request,submission, and fee. ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on ☒ Are attached.
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES I certify, in accordance with 37 CFR 1.4(d)(4) that I am: ◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application. ◯ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity. ◯ A sole inventor ◯ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors ◯ A joint inventor; all of whom are signing this e-petition ◯ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Chunhsi Andy Mu/
Name	Chunhsi Andy Mu
Registration Number	58216

UNITED STATES 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 6, 2012

In re Application of :

Roberto Tagliabue

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12031380

Filed : 14-Feb-2008

Attorney Docket No : 215127.01006

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed January 6, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid 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 3764 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
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DRINKER BIDDLE & REATH (DC)
1500 K STREET NW, SUITE 1100
WASHINGTON, DC 20005-1209

MAILED

AUG 08 2011

OFFICE OF PETITIONS

In re Application of :
Takeshi SAKAMOTO :
Application No. 12/031,382 : DECISION GRANTING PETITION
Filed: February 14, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **46884-5623 (419112)** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 8, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 28, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2893 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20101123

DATE : November 24, 2010

TO SPE OF : ART UNIT 3627

SUBJECT : Request for Certificate of Correction on Patent No.: 7805342

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

All changes in the Request for Certificate of Correction received 10/13/2010 have been approved.

SPE: /F. Ryan Zeender/ **Art Unit** 3627

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	1651	206/425	US-PGPUB; USPAT; JPO	OR	ON	2009/07/16 18:29
S2	1651	206/425	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2009/07/16 18:29
S3	0	"2610759.pn"	US-PGPUB; USPAT; JPO	OR	ON	2009/07/17 16:53
S4	0	"2610759.pn"	US-PGPUB; USPAT; JPO; DERWENT	OR	ON	2009/07/17 16:53
S5	0	"2610759.pn."	US-PGPUB; USPAT; JPO; DERWENT	OR	ON	2009/07/17 16:53
S6	0	"2610759.pn."	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/07/17 16:53
S7	18	"2610759"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/07/17 16:53
S8	6	"3303848"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/07/17 16:55
S9	14	"3358692"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/07/17 16:57
S10	19	"4387802"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/07/17 16:58
S11	18	"6182480"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/07/18 06:35
S12	1	"5190152".pn.	US-PGPUB; USPAT; JPO	OR	ON	2009/07/27 08:32
S13	1	"3358692".pn.	US-PGPUB; USPAT; JPO	OR	ON	2009/07/27 08:38

S14	227179	office with file divider	US-PGPUB; USPAT; JPO	OR	ON	2009/07/27 10:01
S15	321136	office and file divider	US-PGPUB; USPAT; JPO	OR	ON	2009/07/27 10:04
S16	113	((divi$4 or organi$6) with (files! or folders!)) and (206/425.ccls. or 229/67.2.ccls. or 40/359.ccls. or 312/184.ccls. or 220/532-550.ccls.)	US-PGPUB; USPAT	OR	ON	2009/07/27 10:19
S17	133	((divi$4 or organi$6) with (files! or folders!)) and (206/425.ccls. or 229/67.2.ccls. or 40/359.ccls. or 312/184.ccls. or 220/532-550.ccls.)	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/27 10:20
S18	24	("2430222" | "2747388" | "3870190" | "3896962" | "3899073" | "4154356" | "4301942" | "4529092" | "4832394" | "4976373" | "Re33231").PN. OR ("5190152").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/27 12:38
S19	12	((DAVID) near2 (SCHENKER)).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/27 12:45
S20	19	("3865445" | "4009784" | "4133590" | "4181381" | "4288170" | "4312453" | "4445799" | "4979626" | "5088801" | "5163768" | "5197762" | "5328259" | "5709494" | "5993099" | "6227746").PN. OR ("6626602").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/27 12:51
S21	1070904	"206"/ "425"	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/27 13:10
S22	1651	206/425	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/27 13:10
S23	1156	206/561	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/27 14:01
S24	3	((divi$4 or organi$6) with (files! or folders!)) and (206/561.ccls.)	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/27 14:02

S25	3447193	(divi$4 or organi$6) (206/561.ccls.)	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/27 14:03
S26	316	(divi$4 or organi$6) and (206/561.ccls.)	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/27 14:03
S27	1156	206/561	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/27 14:06
S28	1991	206/449	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/07/27 14:23
S29	118	292/44	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/07/27 17:08
S30	3	"292"/$.ccls. and bonora.in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/07/27 17:11
S31	859	206/554	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/07/29 17:08
S32	1793	206/806	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/07/29 17:12
S33	640	402/4	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/07/29 17:15
S34	19	("3865445" | "4009784" | "4133590" | "4181381" | "4288170" | "4312453" | "4445799" | "4979626" | "5088801" | "5163768" | "5197762" | "5328259" | "5709494" | "5993099" | "6227746").PN. OR ("6626602").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/29 17:44
S35	7	"5052646"	US-PGPUB; USPAT; USOCR	OR	ON	2009/08/18 12:35
S36	108	divider with ((file or filling) near3(cabinet or box))	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/08/19 14:11
S37	549	hanging adj file	US-PGPUB; USPAT; USOCR	OR	ON	2009/12/29 15:39

S38	550822	divider partition	US-PGPUB; USPAT; USOCR	OR	ON	2009/12/29 15:39
S39	121	S37 and S38	US-PGPUB; USPAT; USOCR	OR	ON	2009/12/29 15:39
S40	121	S37 and S38	US-PGPUB; USPAT; USOCR; FPRS; JPO; DERWENT	OR	ON	2009/12/29 15:44
S41	172	file adj folder adj tab	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/20 15:18
S42	1712	206/425	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/20 15:18
S43	4	S41 and S42	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/20 15:19
S44	135439	"206"/$.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/20 15:20
S45	10	S41 and S44	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/20 15:20
S46	10987	file adj folder	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/20 15:21
S47	210	S46 and S44	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/20 15:21
S48	402	hanging adj file adj folder$1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/20 15:28

S49	38	S42 and S48	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/20 15:29
S50	2186	248/214	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/20 15:34
S51	3	S48 and S50	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/20 15:34
S52	11	("3572867" | "4053057" | "4114963" | "4420086" | "4717215" | "4722626" | "4950096").PN. OR ("5052646").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/04/20 15:34
S53	3	D499020S	US-PGPUB; USPAT; USOCR	OR	ON	2010/04/20 16:42
S54	23	("20020108962" | "2774467" | "2804234" | "3224632" | "6691873" | "D235514" | "D274573" | "D389739" | "D415424" | "D418052" | "D433260" | "D445028" | "D455956" | "D499020" | "D525866" | "D528906" | "D534419" | "D547644").PN. OR ("D559104").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/04/20 16:44
S55	12	"5190152"	US-PGPUB; USPAT; USOCR	OR	ON	2010/04/22 12:30

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	1743	206/425	US-PGPUB; USPAT; UPAD	OR	ON	2010/12/15 18:41

L2	940	file with organizer	US-PGPUB; USPAT; UPAD	OR	ON	2010/12/15 18:44
L3	449649	finger	US-PGPUB; USPAT; UPAD	OR	ON	2010/12/15 18:44
L4	66	3 and 2	US-PGPUB; USPAT; UPAD	OR	ON	2010/12/15 18:44
L5	1	1 and 4	US-PGPUB; USPAT; UPAD	OR	ON	2010/12/15 18:44
L6	97226	22/543, "549"	US-PGPUB; USPAT; UPAD	OR	ON	2010/12/15 18:45
L7	0	5 and 6	US-PGPUB; USPAT; UPAD	OR	ON	2010/12/15 18:45
L8	1030	file adj box	US-PGPUB; USPAT; UPAD	OR	ON	2010/12/15 18:46
L9	196322	file adj box with file divider	US-PGPUB; USPAT; UPAD	OR	ON	2010/12/15 18:46
L10	248	1 and 9	US-PGPUB; USPAT; UPAD	OR	ON	2010/12/15 18:46
L11	1830	file adj box with file divider with finger	US-PGPUB; USPAT; UPAD	OR	ON	2010/12/15 18:48
L12	53	220/543	US-PGPUB; USPAT; UPAD	OR	ON	2010/12/15 18:48
L13	2	11 and 12	US-PGPUB; USPAT; UPAD	OR	ON	2010/12/15 18:49
L14	10	("0768735" | "0960833" | "1500007" | "2746457" | "3279642" | "4102470" | "4325595").PN. OR ("5395049").URPN.	US-PGPUB; USPAT	OR	ON	2010/12/15 18:50

12/15/2010 6:51:58 PM
H:\ file organizer with divider bar.wsp

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/031,487	Filing date:	February 14, 2008
First Named Inventor:	Patrick Fischer		
Title of the Invention:	HIERARCHICAL SERVICE LIST		

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/KR2008/000917

The international filing date of the corresponding PCT application(s) is/are: February 15, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/031,487
First Named Inventor:	Patrick Fischer

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 1/7/10, 10/3/08, 9/2/08

(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 1/7/10, 10/3/08, 9/2/08

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-18	1-18	Sufficiently corresponds, respectively.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Harry S. Lee/	Date June 2, 2011
Name (Print/Typed) Harry S. Lee	Registration Number 56,814

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/031,487	02/14/2008	Patrick Fischer	2101-3433	2664

35884 7590 06/23/2011

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES, CA 90017

EXAMINER	
BLANTON, JOHN D	
ART UNIT	PAPER NUMBER
2466	

NOTIFICATION DATE	DELIVERY MODE
06/23/2011	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@lhlaw.com
ip.lhlaw@gmail.com
ip.lhlaw@live.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

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

In re Application of: Patrick FISCHER
Application No. 12031487
Filed: February 14, 2008
For: HIERARCHICAL SERVICE LIST

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed June 02, 2011, to make the above-identified application special.

The petition is **DISMISSED as Moot.**

A grantable request to participate in the PCT PPH program and petition to make special require:

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b)The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.

(3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be mended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.

(6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

(7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WOIISA, WOIIPEA, PER) of the PCT.

(8) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

The request to participate in the PCT-PPH program and petition fail to meet the requirement of items **(6)** and **(4)** above. Substantive examination for the US application has already begun.

Since examination of the application has already begun, the Petition is **DISMISSED AS MOOT.**

Telephone inquiries concerning this decision should be directed to Kim Huynh at 571-272-4147.

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.

/Kim Huynh/

Kim Huynh
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
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SUNSTEIN KANN MURPHY & TIMBERS, LLP
125 SUMMER STREET
BOSTON, MA 02110-1618

MAILED

SEP 09 2010

OFFICE OF PETITIONS

In re Application of :
Samuel J. Aronson, et. al. :
Application No. 12/031,492 : DECISION ON PETITION
Filed: February 14, 2008 : TO WITHDRAW FROM
Attorney Docket No. 125141.00183.MGH3352. : RECORD

This is a decision on the request to withdraw as attorney or agent of record under 37 CFR §§ 1.36(b), or 10.40 filed June 23, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that the power of attorney to George J. Jakobsche and all the attorneys/agents associated with Customer Number 02101 has been revoked by the assignee of the above application on July 29, 2010. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is moot.

All future communications from the Office will be directed to the new correspondence address of record until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

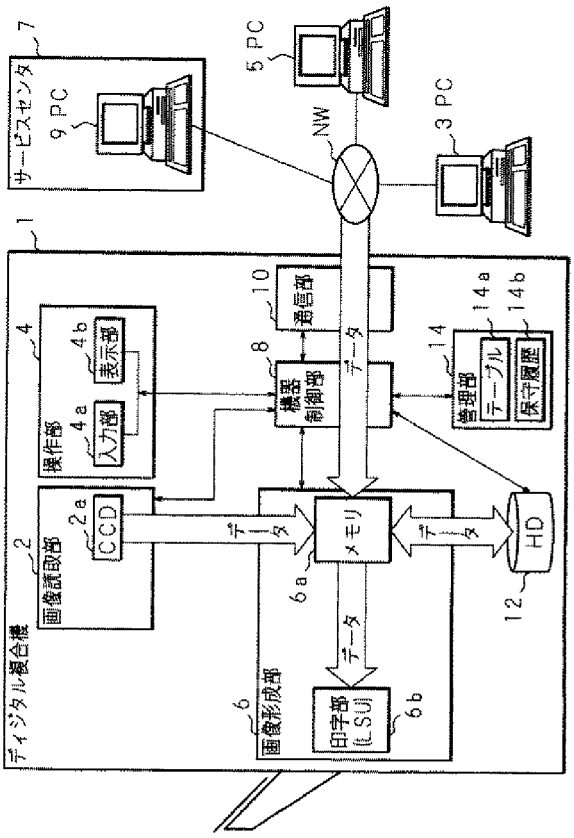
* NOTICES *

JPO and INPIT are not responsible for any
damages caused by the use of this translation.

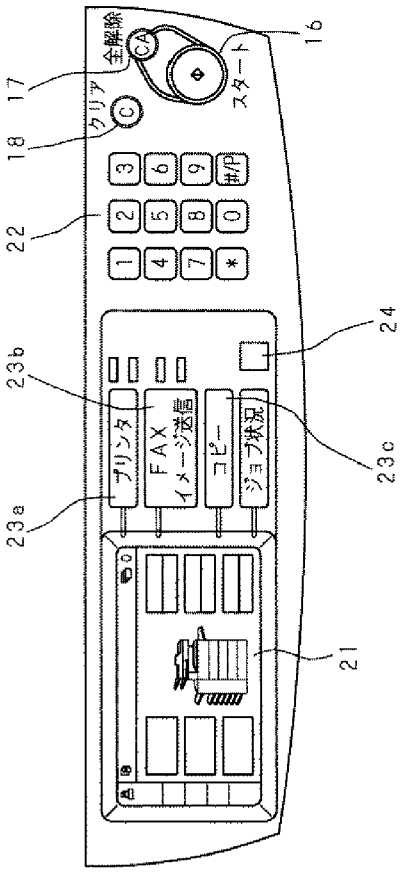
1.This document has been translated by computer. So the translation may not reflect the original precisely.
2.**** shows the word which can not be translated.
3.In the drawings, any words are not translated.

DRAWINGS

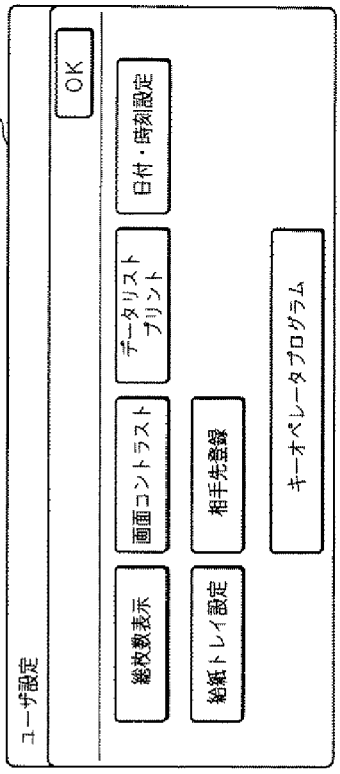
[Drawing 1]



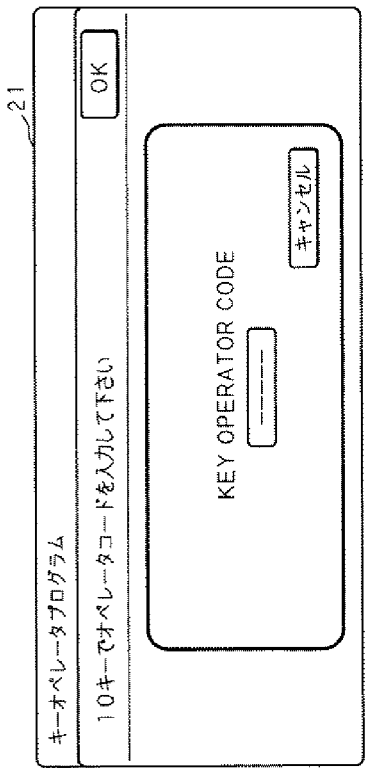
[Drawing 2]


全解除
CA
スタート
クリア
C
16
17
18
22
23b
23a
23c
24
21
プリンタ
FAX
イメージ送信
コピー
ジョブ状況

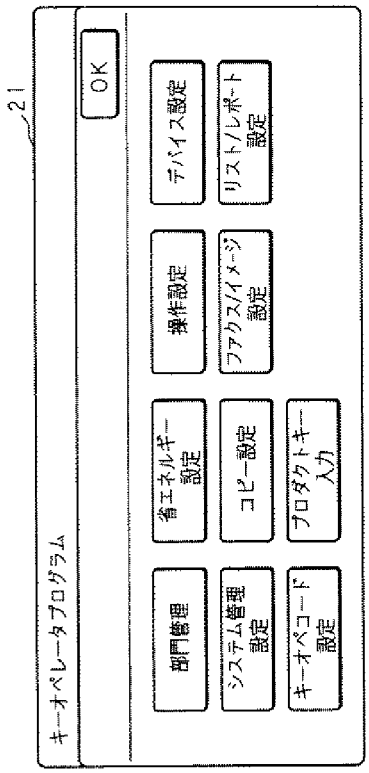
[Drawing 3]


21
OK
ユーザ設定
総枚数表示
画面コントラスト
データリスト
プリント
日付・時刻設定
給紙トレイ設定
相手先登録
キーオペレータプログラム

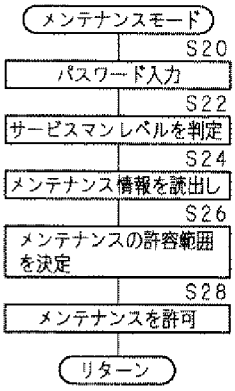
[Drawing 4]



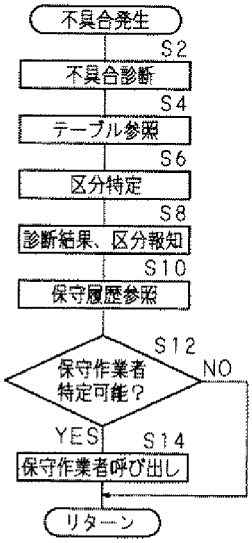
[Drawing 5]



[Drawing 6]



[Drawing 7]



[Drawing 8]

メンテナンス内容	操作者A（一般操作者）	サービスマンA（レベル：低）	サービスマンB（レベル：中）	サービスマンC（レベル：高）
トナーの補給	○	○	○	○
定着の引き出し	○	○	○	○
白黒機の画像調整	×	○	○	○
カラー機の画像調整	×	×	○	○
定着ユニットの交換	×	×	○	○
光学系の交換	×	×	×	○
感光体ドラムの交換	×	×	×	○
FAX／セキュリティの取付	×	×	×	○

[Translation done.]

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CHRISTIE, PARKER & HALE, LLP
PO BOX 29001
Glendale CA 91209-9001

MAILED

MAR 26 2012

OFFICE OF PETITIONS

In re Application of :
Shen :
Application No. 12/031,606 : ON PETITION
Filed: February 14, 2008 :
Attorney Dkt. No. 61467/S295 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 29, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed August 31, 2010. The Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on December 1, 2010. A Notice of Abandonment was mailed April 4, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of $930; and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of divisional applications Nos. 13/409,038, 13/409,041 13/409,043.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

/Charlema Grant/
Charlema Grant
Petitions Attorney
Office of Petitions

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P.O. Box 1450
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ANTHONY B. SIMS
8865 STANFORD BLVD., SUITE 131
COLUMBIA MD 21045

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of :
Sims et al. :
Application No. 12/031,614 :
Filed: February 14, 2008 :
Title: Device and Method for the Treatment of :
Movement Disorders

ON PETITION

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed August 6, 2010, to revive the above-identified application.

The petition is **DISMISSED.**

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C.§ 704.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (1), (3) and (4).

As to item (1), petitioner has not submitted the requisite reply to the non-final Office action mailed November 13, 2009.

As to item (3), petitioner states, "The reason that made the application unavoidable was that I was not able to keep up with the Patent lawyers payments because the recession discontinued a large amount of my business."

A showing of unavoidable delay based upon financial condition must establish that the financial condition of the petitioner during the entire period of the delay was such as to excuse the delay. See Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891). The showing of record does not adequately establish that petitioner's entire delay in replying to the non-final Office action from November13, 2009 until the petition was filed on or about August 6, 2010, was unavoidable within the meaning of 35 U.S.C. § 41(c) and 37 CFR 1.378(b).

A complete showing, with supporting documentation, is required of the financial condition of petitioner. Such showing should include all income, expenses, assets, credit, and obligations, which made the delay "unavoidable." A monthly breakdown is preferred. The showing should include documentary proof of the maintenance fee tracking system, the entry of this patent in that system and an explanation of how the system worked.

On March 9, 2010, the attorneys of record submitted a Request to Withdraw as Attorney of Record since the applicants had failed to pay one or more bills rendered by the practitioner for an unreasonable period of time or failed to honor an agreement to pay a retainer in advance of the performance of legal services. The certifications listed on the request stated: 1) the client, i.e. the petitioner, was notified of the intent to

withdraw; 2) all papers and property were delivered to the client; and 3) the client was notified of any responses that may be due and the time frame within which the client must respond.

As such, with payment of an appropriate extension of time, petitioner had from approximately March 2010 to May 13, 2010 to respond to the Office action without having to pay the patent attorneys.

Moreover, while resources would have been necessary to employ the assistance of counsel in continuing the prosecution of the above-identified application, persons seeking patent rights have no "right" to the assistance of counsel during the application process. Boyden v. Commissioner of Patents, 441 F.2d 1041, 168 USPQ 680 (D.C. Cir. 1971). As patent applications are commonly prosecuted *pro se*, arguments that the financial inability to employ counsel to aid in the prosecution of an application rendered the abandonment of the application "unavoidable" are unpersuasive. That is, while applicants may obtain the services of counsel to assist in the application process, such counsel is not strictly necessary, and, as such, the financial inability to employ such counsel does not render a delay in providing a required response "unavoidable"

As to item (4), any renewed petition must be signed by:

(1) An attorney or agent of record appointed in compliance with § 1.34(b); (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a); (3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest; (4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undividing part interest; or **(5) All of the applicants (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.**

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810.00 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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ANTHONY B. SIMS
8865 STANFORD BLVD., SUITE 131
COLUMBIA MD 21045

MAILED
FEB 29 2012
OFFICE OF PETITIONS

In re Application of
Sims et al.
Application No. 12/031,614
Filed: February 14, 2008
Title: DEVICE AND METHOD FOR THE TREATMENT OF MOVEMENT DISORDERS

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 6, 2012, to revive the above-identified application.

The petition is **DISMISSED**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the small entity fee required by law is $930.00. See 37 CFR 1.27.

The petition in the above-identified application was not accompanied by full payment of the required fee. Petitioner submitted $810.00 towards the $930.00 fee. Accordingly, no consideration on the merits can be given to the petition until the full required fee is received.

It is noted that petitioner has still failed to provide a response to the Office action mailed November 13, 2009, which is a requirement for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:
U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

/Liana Walsh/
Liana Walsh
Petitions Examiner
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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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

MAILED
APR 01 2011
OFFICE OF PETITIONS

In re Patent No. 7,718,176 :
Issue Date: May 18, 2010 :
Application No. 12/031,849 : DECISION ON PETITION
Filed: February 15, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. CEN5039USDIV2 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 23, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the Certificate of Correction filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed application in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an

amendment to the specification (by way of a certificate of correction) 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 a Certificate of Correction to correct the above matter 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110502

DATE : May 02, 2011

TO SPE OF : ART UNIT 1647

SUBJECT : Request for Certificate of Correction on Patent No.: 7718176

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☐ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☒ **Denied** State the reasons for denial below.

Comments:

The petition to accept the delayed claim under 35 USC 120 was denied in the letter mailed 04/01/2011. Thus, the request to correct the above-identified patent cannot be entered.

/GARY NICKOL/
Supervisory Patent Examiner.Art Unit 1645

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

MAILED
JUL 11 2011
OFFICE OF PETITIONS

In re Patent No. 7,718,176
Issue Date: May 18, 2010
Application No. 12/031,849
Filed: February 15, 2008
Attorney Docket No. CEN5039USDIV2

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.78(a)(3) AND
: REQUEST FOR CERTIFICATE OF
: CORRECTION
:

This is a decision on the renewed petition, filed June 24, 2011, which is being treated as a petition under 37 CFR 1.78(a)(3), seeking to add a claim for priority under 35 U.S.C. § 120 to nonprovisional Application No.10/935,005, filed September 3, 2004, by way of a certificate of correction.

The petition is **granted**.

A review of the file record fails to disclose that a claim for the benefit of priority to the above-noted, prior-filed nonprovisional application was made within the time period set forth in 37 CFR 1.78(a)(2)(ii) and further failed to include a proper reference to the prior-filed application as required by 37 CFR 1.78(a)(2)(i) and 1.78(a)(2)(iii).

The instant application was filed on February 15, 2008. Therefore, since this application was filed after November 29, 2000, a petition under 37 CFR 1.78(a)(3), along with submission of a Certificate of Correction, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed nonprovisional application after issuance of the application into a patent. *See* MPEP 1481.

A petition for acceptance of a claim for late priority 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.

As the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

A corrected Filing Receipt, which includes the priority claim to the above-noted, prior-filed nonprovisional application, accompanies this decision on petition.

Petitioner is advised that the granting of this petition and the mailing of a corrected Filing Receipt should not be viewed as an indication that a determination has been made that this application is entitled to claim benefit of the prior-filed application. A determination that applicant is entitled to claim benefit of the prior-filed application will be made by the Examiner prior to the mailing of a certificate of correction.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3208.

This application is being referred to the Certificates of Correction Branch for processing the request for a certificate of correction in accordance with this decision on the petition under 37 CFR 1.78(a)(3).

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/031,849	03/27/2009	1647	1330	CEN5039USDIV2	5	1

CONFIRMATION NO. 3315

CORRECTED FILING RECEIPT

27777
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

OC000000048654395

Date Mailed: 07/08/2011

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)

GEORGE A. HEAVNER, Malvern, PA;
David M. Knight, Berwyn, PA;
John Ghrayeb, Downingtown, PA;
Bernard J. Scallon, Wayne, PA;
Thomas C. Nesspor, Limerick, PA;
Chichi Huang, Berwyn, PA;

Power of Attorney: The patent practitioners associated with Customer Number 000027777

Domestic Priority data as claimed by applicant

This application is a DIV of 10/935,005 09/03/2004 PAT 7,393,662

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 04/20/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/031,849**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

HUMAN EPO MIMETIC HINGE CORE MIMETIBODIES, COMPOSITIONS, METHODS AND USES

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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Date Mailed : 07/11/11

Patent No. : 7718176 B2
Patent Issued : 05/18/10
Docket No. : **CEN5039USDIV2**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Respecting the alleged errors in the documents filed on 06/24/11; please see attachments. **"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."**

In view of the foregoing, your request in this matter is hereby denied.

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

LMN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110502

DATE : May 02, 2011

TO SPE OF : ART UNIT 1647

SUBJECT : Request for Certificate of Correction on Patent No.: 7718176

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☐ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☒ **Denied** State the reasons for denial below.

Comments:

The petition to accept the delayed claim under 35 USC 120 was denied in the letter mailed 04/01/2011. Thus, the request to correct the above-identified patent cannot be entered.

/GARY NICKOL/
Supervisory Patent Examiner.Art Unit·1645

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/031,927	02/15/2008	Craig Oldham	006591.00100	3453

71823 7590 04/02/2012

BANNER & WITICOFF , LTD
ATTORNEYS FOR CLIENT NUMBER 006591
10 SOUTH WACKER DR.
SUITE 3000
CHICAGO, IL 60606

EXAMINER	
HAVAN, THU THAO	
ART UNIT	**PAPER NUMBER**
3695	

MAIL DATE	DELIVERY MODE
04/02/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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APR -2 2012

ROSS DANNENBERG
BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
WASHINGTON, D.C. 20005

In re Application of: Craig Oldham	:	DECISION ON THE PETITION
Application No. 12/031,927	:	TO WITHDRAW FINALITY
Filed: February 15, 2008	:	OF OFFICE ACTION
For: REAL-TIME INSURANCE ESTIMATE BASED ON NON-PERSONAL IDENTIFYING INFORMATION	:	UNDER 37 CFR 1.181

This is in response to applicant's petition under 37 CFR 1.181 filed April 4, 2011, to request withdrawal of the finality of the final Office action mailed March 4, 2011.

The petition is **DISMISSED as MOOT**.

A review of the file reveals that after the mailing of the final Office action on March 4, 2011, applicant timely filed the instant petition. The examiner mailed a supplemental non-final Office action on April 5, 201. Even though the examiner did not specifically state that the finality of the previous Office action was withdrawn, but the April 5, 2011 non-final action was clearly marked as a supplemental non-final action. Subsequently, following a June 22, 2011 response by applicant, a Notice of Allowability was mailed on August 17, 2011.

In view of the facts that the examiner did effectively withdraw the finality of the March 4, 2011 Office action via a supplemental non-final Office action of April 5, 2011 and the subsequent allowance of the application, the petition for withdrawal of the finality is dismissed as moot

Any questions or comments with respect to the decision should be forwarded to Supervisory Patent Examiner, Charles Kyle at (571) 272-6746.

Greg Vidovich, Director
Patent Technology Center 3600
(571) 272-5050

gv/crk: 3/12/2011
LM

PTOL-413A (01-09)
Approved for use through 02/28/2009. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 12/031949 First Named Applicant: Hyatt

Examiner: Examiner Diao Art Unit: 3684 Status of Application: Pending

Tentative Participants:

(1) Brian Drozd, Attorney for Applicants (2) Examiner Diao

(3) _____ (4) _____

Proposed Date of Interview: January 18, 2011 **Proposed Time:** 11:00 PM **AM/PM**

Type of Interview Requested:

(1) ☑ **Telephonic** (2) ☐ **Personal** (3) ☐ **Video Conference**

Exhibit To Be Shown or Demonstrated: ☐ **YES** ☑ **NO**

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1)	Claims 1, 13, 17		☐	☐	☐
(2)	and 21-26		☐	☐	☐
(3)			☐	☐	☐
(4)			☐	☐	☐

☐ Continuation Sheet Attached

Brief Description of Argument to be Presented:

Applicants would like to discuss the present application as well as the proposed Amdts to the Claims. Particularly, Applicants proposed claims are being rewritten into independent form and Applicants request the Examiner review these claims to confirm these rewritten claims are allowable.

An interview was conducted on the above-identified application on _____ **.**

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

/R. Brian Drozd/
Applicant/Applicant's Representative Signature

R. Brian Drozd
Typed/Printed Name of Applicant or Representative

55130
Registration Number, if applicable

_____
Examiner/SPE Signature

This collection of information is required by 37 CFR 1.133. 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 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BROUILLETTE & PARTNERS
377 de la Commune West
Montreal QC H2Y 2E2 CA CANADA

MAILED

AUG 10 2011

OFFICE OF PETITIONS

In re Application of :
Jean Dobey Ourega :
Application No. 12/032,049 : DECISION ON PETITION
Filed: February 15, 2008 : TO WITHDRAW
Attorney Docket No. 1601-010-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 July 26, 2011.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because a proper forwarding address was not provided. The request to change the correspondence address should be that of the: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71, who has properly intervened. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment/notice of recordation, must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

AUG 29 2011

OFFICE OF PETITIONS

BROUILLETTE & PARTNERS
377 de la Commune West
Montreal QC H2Y 2E2 CA CANADA

In re Application of :
Jean Dobey Ourega :
Application No. 12/032,049 : DECISION ON PETITION
Filed: February 15, 2008 : TO WITHDRAW
Attorney Docket No. 1601-010-US : 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 **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because a proper forwarding address was not provided. The request to change the correspondence address should be that of the: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71, who has properly intervened. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment/notice of recordation, must be submitted with a renewed request.

The file record indicates that an assignment was recorded on February 11, 2010. The address provided on the request is not proper since inventor Jean Dobey Ourega no longer has an interest in this application.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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377 de la Commune West
Montreal QC H2Y 2E2 CA CANADA

MAILED
SEP 27 2011
OFFICE OF PETITIONS

In re Application of :
Jean Dobey Ourega :
Application No. 12/032,049 : DECISION ON PETITION
Filed: February 15, 2008 : TO WITHDRAW
Attorney Docket No. 1601-010-US : FROM RECORD
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 21, 2011.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because a proper forwarding address was not provided. The request to change the correspondence address should be that of the: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71, who has properly intervened. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment/notice of recordation, must be submitted with a renewed request.

As stated in the previous decision mailed August 10, 2011, if an assignee as intervened this case, which appears to be true, a statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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Montreal QC H2Y 2E2 CA CANADA

MAILED

OCT 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Jean Dobey Ourega	:	
Application No. 12/032,049	:	DECISION ON PETITION
Filed: February 15, 2008	:	TO WITHDRAW
Attorney Docket No. 1601-010-US	:	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 3, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Robert Brouillette on behalf of all attorneys/agents of record. All attorneys/agents have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Shopmedia, Inc.
432, rue Sainte-Helene
Montreal, Quebec H2Y 2K7
Canada

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
12/032,049	02/15/2008	Jean Dobey Ourega	1601-010-US

CONFIRMATION NO. 3669

56535
BROUILLETTE & PARTNERS
377 de la Commune West
Montreal, QC H2Y 2E2
CANADA

POWER OF ATTORNEY NOTICE

OC000000050219715

Date Mailed: 10/05/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/03/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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MEDIMMUNE, LLC
PATRICK SCOTT ALBAN
ONE MEDIMMUNE WAY
GAITHERSBURG MD 20878

MAILED

AUG 23 2011

OFFICE OF PETITIONS

In re Patent No. 7,959,917
Issued: June 14, 2011
Application No. 12/032,061
Filed: February 15, 2008
Attorney Docket No: MED0229.US

ON PETITION

This is a decision on the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(d), filed August 9, 2011. Applicant requests that the determination of patent term adjustment be corrected from 356 days to 400 days.

The application for patent term adjustment is **DISMISSED.**

On June 14, 2011, the above-identified application matured into U.S. Patent No. 7,959,917 with a revised patent term adjustment of 356 days. The instant application for patent term adjustment (with required fee), asserts that after allowance, additional delays were recorded that revised the Patent Term Adjustment. Pursuant to 37 C.F.R. § 1.704(c)(10), a period of reduction totaling 49 days was entered for applicant filing papers after the mailing of the notice of allowance. Applicants argues that the USPTO is believed to be characterizing the Applicant Response to Notice to File Corrected Application Papers, filed April 27, 2011, which responded to the Notice to File Corrected Application Papers mailed March 10, 2011 (the "Notice") after the February 1, 2011, mailing date of the Notice of Allowance, as an alleged amendment under § 1.312 or other paper delaying prosecution.

37 CFR § 1.704(c)(10) provides that:

> Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:
> (i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper;
> or
> (ii) Four months;

The reduction has been considered and a reduction is found to be warranted. It is undisputed the corrected drawings were filed April 27, 2011, after the mailing of the Notice of Allowance. This was properly a basis for reduction of patent term adjustment pursuant to § 1.704(c)(10) and accounts for 43 days of applicant delay. Additionally, the delay for filing of the response on April 27, 2011 to the mail date of the USPTO's response on March 2, 2010 is 6 days and a proper reduction for delaying prosecution.

As stated in MPEP 2732:

> 37 CFR 1.704(c)(10) establishes submission of an amendment under 37 CFR 1.312 or other paper after a notice of allowance has been given or mailed as a circumstance that constitutes a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application. The submission of amendments (or other papers) after an application is allowed may cause substantial interference with the patent issue process.
>
> Certain papers filed after allowance are not considered to be a failure to engage in reasonable efforts to conclude processing or examination of an application. See *Clarification of 37 CFR 1.704(c)(10) – Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed*, 1247 Off. Gaz. Pat. Office 111 (June 26, 2001). The submission of the following papers after a "Notice of Allowance" is not considered a failure to engage in reasonable efforts to conclude processing or examination of an application: (1) Fee(s) Transmittal (PTOL-85B); (2) Power of Attorney; (3) Power to Inspect; (4) Change of Address; (5) Change of Status (small/not small entity status); (6) a response to the examiner's reasons for allowance or a request to correct an error or omission in the "Notice of Allowance" or "Notice of Allowability;" and (7) letters related to government interests (e.g., those between NASA and the Office). Papers that will be considered a failure to engage in reasonable efforts to conclude processing or examination of an application include: (1) a request for a refund; (2) a status letter; (3) amendments under 37 CFR 1.312; (4) late priority claims; (5) a certified copy of a priority document; (6) drawings; (7) letters related to biologic deposits; and (8) oaths or declarations.

The filing, after the Notice of Allowance, of drawings and the amendment in response to the Notice to File Corrected Application Papers is both a failure to engage in reasonable efforts to conclude examination and an interference with the patent issuance process.

In view thereof, the patent term adjustment indicated in the patent is properly reflected.

Patentees are given **THIRTY (30) DAYS or ONE (1) MONTH, whichever is longer,** from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges the submission of the required fee a set forth in 37 CFR 1.18(f).

Telephone inquiries specific to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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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MEDIMMUNE, LLC
PATRICK SCOTT ALBAN
ONE MEDIMMUNE WAY
GAITHERSBURG MD 20878

MAILED

DEC 15 2011

OFFICE OF PETITIONS

In re Patent No. 7,959,917
Issued: June 14, 2011
Application No. 12/032,061
Filed: February 15, 2008
Attorney Docket No: MED0229.US

:DECISION ON REQUEST
: FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT
: AND
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the RESPONSE TO DECISION ON PETITION, filed September 23, 2011. Applicant requests that the determination of patent term adjustment be corrected to at least 399 days.

The application for patent term adjustment is **GRANTED**.

On June 14, 2011, the above-identified application matured into U.S. Patent No. 7,959,917 with a revised patent term adjustment of 356 days. On August 9, 2011, patentees timely submitted an application for patent term adjustment (with required fee), asserting that after allowance, additional delays were recorded that revised the Patent Term Adjustment. A decision mailed August 23, 2011 advised that the filing, after the Notice of Allowance, of drawings and the amendment in response to the Notice to File Corrected Application Papers is both a failure to engage in reasonable efforts to conclude examination and an interference with the patent issuance process and thus the reduction in the amount of 49 days for applicant delay was proper.

Applicant renews their argument that pursuant to 37 C.F.R. § 1.704(c)(10[1]), a period of

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[1] 37 CFR § 1.704(c)(10) provides that:

Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:
(i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper;
or
(ii) Four months;

As stated in MPEP 2732:

37 CFR 1.704(c)(10) establishes submission of an amendment under 37 CFR 1.312 or other paper after a notice of allowance has been given or mailed as a circumstance that constitutes a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application. The submission of amendments (or other papers) after an application is allowed may cause substantial interference with the patent issue process.

reduction totaling 49 days was entered for applicant filing papers after the mailing of the notice of allowance. Applicants argue that if a period of reduction of PTA applies, that period began on April 27, 2011. That period ended on May 2, 2011, when the Office responded to Patentees' Response ("Reply"). Consequently, under 37 C.F.R. § 1704(c)(10), Patentees submit that, at most, the delay should be the days between Applicants' Response and the Office's Reply.

The reduction of 43 days has been found to be incorrect. A review of the application file reveals that, as stated by applicants, the period of delay should be the 6 days between Applicants' Response and the Office's Reply. Since the Office's Reply included the Corrected Drawings and the Amendment filed on April 27, 2011, the only period of delay should be 6 days. The reduction in the amount of 43 days is being removed.

In view thereof, the patent term adjustment indicated in the patent should have been three hundred ninety-nine (399) days.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. See 35 U.S.C. § 254 and 37 CFR § 1.322. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by three hundred ninety-nine (399) days.

Telephone inquiries specific to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

Certain papers filed after allowance are not considered to be a failure to engage in reasonable efforts to conclude processing or examination of an application. See *Clarification of 37 CFR 1.704(c)(10) – Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed*, 1247 Off. Gaz. Pat. Office 111 (June 26, 2001). The submission of the following papers after a "Notice of Allowance" is not considered a failure to engage in reasonable efforts to conclude processing or examination of an application: (1) Fee(s) Transmittal (PTOL-85B); (2) Power of Attorney; (3) Power to Inspect; (4) Change of Address; (5) Change of Status (small/not small entity status); (6) a response to the examiner's reasons for allowance or a request to correct an error or omission in the "Notice of Allowance" or "Notice of Allowability;" and (7) letters related to government interests (e.g., those between NASA and the Office). Papers that will be considered a failure to engage in reasonable efforts to conclude processing or examination of an application include: (1) a request for a refund; (2) a status letter; (3) amendments under 37 CFR 1.312; (4) late priority claims; (5) a certified copy of a priority document; (6) drawings; (7) letters related to biologic deposits; and (8) oaths or declarations.

DRAFT

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,959,917 B2

DATED : June 14, 2011

INVENTOR(S) : Duncan Cochrane

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 (356) days

Delete the phrase "by 356 days" and insert – by 399 days--

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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STRAUB & POKOTYLO
788 SHREWSBURY AVENUE
TINTON FALLS, NJ 07724

MAILED
MAY 03 2011
PCT LEGAL ADMINISTRATION

In re Application of :
TSUKIOKA :
Application No.: 12/032,098 : DECISION ON PETITION
Filing Date: February 15, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: OOCL-395 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 28, 2010, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to the prior-filed international application set forth in the amendment filed concurrently with the instant petition.[1]

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 application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a late claim for 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 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 the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

[1] It is noted that the declaration filed February 15, 2008 refers to different international application number. This discrepancy is not relevant to any domestic benefit claim under 37 CFR 1.78 but may affect the foreign priority claim under 37 CFR 1.55.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that 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 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 nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision 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 2622 for appropriate action on the amendment filed December 28, 2010, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. 120 to the prior-filed nonprovisional application.

BryanLin

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/19//10

TO SPE OF : ART UNIT 1628 (1600)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/032,149 Patent No.: 7,799,940

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, LPE
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 /Brandon J. Fetterolf/ **ART UNIT** 1628

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/19//10

TO SPE OF : ART UNIT 1628 (1600)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/032,149 Patent No.: 7,799,940

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Ernest C. White, LTE
Randolph Sq. Ste 9D62A
703-756-1590

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

_____

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_____

SPE /Brandon J. Fetterolf/ **ART UNIT** 1628

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/19//10

TO SPE OF : ART UNIT 1623 (1600)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/032,149 Patent No.: 7,799,940

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Ernest C. White, LTE
Randolph Sq. Ste 9D62A
703-756-1590

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

_____

_____

_____

SPE _____ **ART UNIT** 1623

PTO/SB/44 (09-07)
Approved for use through 08/31/2013. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,781,577

APPLICATION NO.: 11/862,690

ISSUE DATE : August 24, 2010

INVENTOR(S) : Harrison, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title page, item (75), should read as follows:

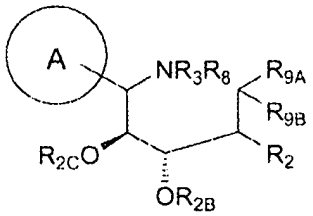
Bryce Alden Harrison, Hamilton, NJ (US);
Spencer David Kimball, East Windsor, NJ (US);
Ross Mabon, Princeton, NJ (US);
David Brent Rawlins, Morrisville, PA (US)

Claim 1, line 4, "R1" should be changed to --R_1--.

Claim 1, line 9, "C(O)aryl" should be changed to --C(O)aryl--.

Claim 6, line 23, "alkyl," should be changed to --alkyl;--.

Claim 8, insert the following formula between lines 1 and 2:



MAILING ADDRESS OF SENDER (Please do not use customer number below):

Lexicon Pharmaceuticals, Inc.
8800 Technology Forest Place
The Woodlands, TX 77381

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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BROUILLETTE & PARTNERS
377 de la Commune West
Montreal QC H2Y 2E2 CA CANADA

MAILED

AUG 15 2011

OFFICE OF PETITIONS

In re Application of :
Jean Dobey Ourega :
Application No. 12/032,223 :
Filed: February 15, 2008 :
Attorney Docket No. **1601-011-US** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed July 26, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the attorney cannot withdraw attorneys' by Customer Number when the power of attorney was originally granted individually in the Declaration for Utility or Design Patent Application and Power of Attorney filed April 1, 2008.

It is also noted that the change of correspondence address I considered improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

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Montreal QC H2Y 2E2 CA CANADA

MAILED

SEP 09 2011

OFFICE OF PETITIONS

In re Application of :
Jean Dobey Ourega :
Application No. 12/032,223 :
Filed: February 15, 2008 :
Attorney Docket No. **1601-011-US** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed 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 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 Robert Brouillette on behalf of all attorneys of record who are associated with the above-identified application.

All attorneys/agents associated with the above-identified application have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the first named inventor Jean Dobey Ourega at the address indicated below.

There is an outstanding Office action mailed February 10, 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/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Jean Dobey Ourega
3064 Jacques-Lauzon
Verdun, Quebec H4G 3M8 Canada

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/032,223	02/15/2008	Jean Dobey Ourega	1601-008-US

CONFIRMATION NO. 3958

POWER OF ATTORNEY NOTICE

56535
BROUILLETTE & PARTNERS
377 de la Commune West
Montreal, QC H2Y 2E2
CANADA

OC000000049745761

Date Mailed: 09/09/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/22/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Law Office of Robert G. Rosenthal
Suite 200
5856 Faringdon Place
Raleigh, NC 27609

MAILED

JUL 15 2011

OFFICE OF PETITIONS

In re Application of :
Robert G. Rosenthal :
Application No. 12/032,242 : DECISION ON PETITION
Filed: February 15, 2008 : TO WITHDRAW FROM
Attorney Docket No. Schaffer-2162 : RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed June 24, 2011.

The request is **APPROVED**.

The request was signed by Robert G. Rosenthal on behalf of himself and all the attorneys/agents of record. Therefore, Robert G. Rosenthal and all the attorneys/agents of record have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

The change of correspondence address is accepted. Therefore, 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: Michael Schaffer
5949 NW 125th Ave.
Coral Springs, FL 33076

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/032,242	02/15/2008	Michael Schaffer	Schaffer-2162

CONFIRMATION NO. 3985

Law Office of Robert G. Rosenthal
Suite 200
5856 Faringdon Place
Raleigh, NC 27609

POWER OF ATTORNEY NOTICE

OC000000048700578

Date Mailed: 07/12/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/24/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas TX 75219

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of :
John E. McLoughlin et al. :
Application No. 12/032,324 : DECISION ON PETITION
Filed: February 15, 2008 : TO WITHDRAW
Attorney Docket No. 39789.20 : 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 11, 2011.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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BOND, SCHOENECK & KING, PLLC
10 BROWN ROAD, SUITE 201
ITHACA NY 14850-1248

MAILED
NOV 08 2011
OFFICE OF PETITIONS

In re Application of :
HOYT, et al :
Application No. 12/032,364 : ON PETITION
Filed: February 15, 2008 :
Attorney Docket No. 610P042 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 28, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is June 29, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $465, and the submission required by 37 CFR 1.114; (2) the petition fee of $930; and (3) a proper statement of unintentional delay.

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 $635 extension of time fee submitted with the petition on October 3, 2011, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's Deposit Account No. 50-1546.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 3737 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/032,375	02/15/2008	Sukhan Lee	DAW-117	4235

7590 04/26/2011

RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

EXAMINER	
FENWICK, WARREN K	

ART UNIT	PAPER NUMBER
2862	

MAIL DATE	DELIVERY MODE
04/26/2011	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
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April 26, 2011

RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

In re Application of	:	
Lee, Sukhan et al	:	**DECISION ON PETITION**
Application No. 12/032,375	:	
Filed: 02/15/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. DAW-117	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 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

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MAY 18 2011
OFFICE OF PETITIONS

KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

In re Application of :
Adnan Shennib et al. :
Application No. 12/032,421 : DECISION ON PETITION
Filed: February 15, 2008 : TO WITHDRAW
Attorney Docket No. **022176-000540US** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 29, 2011.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 20350 has been revoked by the applicants of the patent application on May 6, 2011. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: HENRICKS SLAVIN AND HOLMES, LLP
ADVANCED BIONICS CORPORATION
840 APOLLO STREET
SUITE 200
EL SEGUNDO CA 90245

UNITED STATES PATENT AND TRADEMARK OFFICE

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KILPATRICK TOWNSEND & STOCKTON LLP
ADOBE SYSTEMS, INC. 58083
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309-4530

MAILED

JUL 06 2011

OFFICE OF PETITIONS

In re Application of
Brian Riggs
Application No. 12/032,440
Filed: February 15, 2008
Attorney Docket No. 58083-394773 (B488)

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed April 11, 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 14, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of September 11, 2011 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642.

This application is being referred back to Technology Center Art Unit 2162 for examination in due course.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/032,440	02/15/2008	Brian Riggs	58083-394773 (B488)

CONFIRMATION NO. 4371

NEW OR REVISED PPD NOTICE

72058
Kilpatrick Townsend & Stockton LLP
Adobe Systems, Inc. 58083
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309-4530

Date Mailed: 06/23/2011

NOTICE OF NEW OR REVISED PROJECTED PUBLICATION DATE

The above-identified application has a new or revised projected publication date. The current projected publication date for this application is 09/29/2011. If this is a new projected publication date (there was no previous projected publication date), the application has been cleared by Licensing & Review or a secrecy order has been rescinded and the application is now in the publication queue.

If this is a revised projected publication date (one that is different from a previously communicated projected publication date), the publication date has been revised due to processing delays in the USPTO or the abandonment and subsequent revival of an application. The application is anticipated to be published on a date that is more than six weeks different from the originally-projected publication date.

More detailed publication information is available through the private side of Patent Application Information Retrieval (PAIR) System. The direct link to access PAIR is currently http://pair.uspto.gov. Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Questions relating to this Notice should be directed to the Office of Data Management, Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

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MAR 13 2012

OFFICE OF PETITIONS

Kilpatrick Townsend & Stockton LLP
Adobe Systems, Inc. 58083
1100 Peachtree Street
Suite 2800
Atlanta GA 30309-4530

In re Patent No. 8,145,631 : NOTICE OF PATENT TERM
Issued: March 27, 2012 : ADJUSTMENT and NOTICE OF
Application No. 12/032,440 : INTENT TO ISSUE CERTIFICATE
Filing or 371(c) Date: February 15, 2008 : OF CORRECTION
Dkt. No.: 58083/394773 (B488) :

This is in response to the application for patent term adjustment pursuant to 37 CFR 1.705(b) filed February 7, 2012.

The request for reconsideration of patent term adjustment is **GRANTED**.

Applicant submits that there is an error in the calculation of adjustment with respect to the adjustment accorded under 37 CFR 1.702(a).

The record has been carefully reviewed and error has been found. The correct period of adjustment with respect to the mailing of the first Office action is 378 days, not 682 days. The adjustment commenced April 16, 2009 and ended April 28, 2010.

As the patent issued prior to the issuance of the instant decision on applicant's request for reconsideration of the patent term adjustment, the entire record, including the reductions that occurred post allowance, have been reviewed.

A review of the record reveals that two reductions were entered post allowance. The 11 day reduction in connection with the Rule 312 amendment was properly entered pursuant to 37 CFR 1.704(c)(10).

However, the reduction of 39 days entered in connection with the filing of the request for reconsideration of patent term adjustment was improperly entered into the record.

In view thereof, as of the time of issuance, the patent was entitled to an overall patent term adjustment of 367 days (378 days under 37 CFR 1.702(a) less 11 days under 37 CFR 1.704).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days,**

whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136. See 37 CFR 1.323(a)(4).

The required $200.00 fee set forth in 37 CFR 1.18(e) has been charged to the authorized deposit account. No additional fees are required.

The application is being forwarded to the Certificates of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by 367 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 decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 8,145,631

DATED : March 27, 2012 DRAFT

INVENTOR(S) : Riggs

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 682 days

Delete the phrase "by 682 days" and insert – by 367 days--

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MICHAEL J. MAZZA, ESQ.
THE CLOROX COMPANY
P.O. BOX 24305
OAKLAND CA 94623-1305

MAILED
DEC 07 2010
OFFICE OF PETITIONS

In re Application of :
FRITTER et al. :
Application No. 12/032,450 : DECISION ON PETITION
Filed: 02/15/2008 :
Attorney Docket No. 430.180D :

This is a decision on the petition under 37 CFR 1.137(b), filed April 19, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely and proper reply within the meaning of 37 CFR 1.113 to the final Office action, mailed August 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 November 21, 2009. A Notice of Abandonment was mailed on March 2, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that applicant has supplied (1) the reply in the form of a RCE, the RCE fee, and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 3644 for processing of the RCE and for appropriate action by the Examiner on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO CA 94304-1018

MAILED
DEC 08 2010
OFFICE OF PETITIONS

In re Application of :
Stpehen B. Shrewsbury et al. :
Application No. 12/268,394 : NOTICE
Filed: November 10, 2008 :
Attorney Docket No. 627052002300 :

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) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

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HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE CA 95110

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of :
Chris Eidler et al. :
Application No. 12/032,491 :
Filed: February 15, 2008 :
Attorney Docket No. **60178-0011** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed August 16, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond , pursuant to 37 CFR 10.40.

The request was signed by Christopher J. Palermo on behalf of all attorneys of record who are associated with Customer Number 29989.

All attorneys/agents associated with Customer Number 29989 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 Chris Eidler at the address list listed in the request.

There is an outstanding Office action mailed June 11, 2010, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: NetEnrich, Inc.
Attn: Mr. Chris Eidler
226 Airport Parkway
San Jose, CA 95110

Doc Code: PET.PTA.RCAL
Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (02-10)
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:	34874-145C01US		
Application Number:	12/032,518	Filing Date (or 371(b) or (f) Date):	February 15, 2008
Patent Number:	7,668,803	Issue Date:	February 23, 2010
First Named Inventor:	Thomas Zurek		
Title:	DATA QUERY COST ESTIMATION		

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature		Date	6/20/2010
Name (Print/Typed)	Pedro Suarez, Esq.	Registration Number	45,895

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 if more than one signature, see below**.*

☐ *Total of 1 forms are submitted.

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: 6/20/2010 Signature: _____ (Jonathan V. Ong)

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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON, MA 02111

Mail Date: 09/13/2010

Applicant	: Thomas Zurek	: DECISION ON REQUEST FOR
Patent Number	: 7668803	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/032,518	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/15/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **9** 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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COX SMITH MATTHEWS INCORPORATED
112 EAST PECAN STREET, SUITE 1800
SAN ANTONIO TX 78205-1521

MAILED

FEB 16 2011

OFFICE OF PETITIONS

In re Application of :
Koepke et al. :
Application No. 12/032,520 : DECISION ON PETITION
Filed: February 15, 2008 TO WITHDRAW FROM RECORD
Attorney Docket No. 30734.9 :
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 13, 2011.

The request is **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 Court B. Allen on behalf of all attorneys of record who are associated with Customer Number 716.

All attorneys/agents associated with the Customer Number 716 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor at the address indicated below.

Currently, there is an outstanding Office action mailed September 30, 2010 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
Petitions Examiner
Office of Petitions

cc: Peter Koepke c/o Selva Medica LLC
400 Market Industrial Park, Suite 1
Wappingers Falls, New York 12590

Issue Classification	Application/Control No.	Applicant(s)/Patent under Reexamination	
	12/032,581	SHEN ET AL.	
	Examiner	Art Unit	
	FRANK LU	1634	

ISSUE CLASSIFICATION

ORIGINAL CLASS	ORIGINAL SUBCLASS	CROSS REFERENCE(S) CLASS	CROSS REFERENCE(S) SUBCLASS (ONE SUBCLASS PER BLOCK)						
435	91.2	435	6	91.1	287.2				
INTERNATIONAL CLASSIFICATION		536	23.1	24.3	24.33				
C12P 19/34									
C12Q 1/68									
C12M 1/34									
C07H 21/02									
C07H 21/04									

(Assistant Examiner) (Date)		Total Claims Allowed: 10	
(Legal Instruments Examiner) (Date)	/Frank W Lu/ 5/20/2011 (Primary Examiner) (Date)	O.G. Print Claim(s)	O.G. Print Fig.
		1	None

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☒ T.D. ☐ R.1.47

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
	~~1~~		31		61		91		121		151		181
	~~2~~		32		62		92		122		152		182
	~~3~~		33		63		93		123		153		183
	~~4~~		34		64		94		124		154		184
	~~5~~		35		65		95		125		155		185
	~~6~~		36		66		96		126		156		186
	~~7~~		37		67		97		127		157		187
	~~8~~		38		68		98		128		158		188
	~~9~~		39		69		99		129		159		189
	~~10~~		40		70		100		130		160		190
	~~11~~		41		71		101		131		161		191
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BUSINESS OBJECTS AMERICAS; BUSINESS OBJECTS S.A.
SAP AMERICA, INC.; BUSINESS OBJECTS SOFTWARE LTD.
BUSINESS OBJECTS DATA INTEGRATION, INC.
777 6TH STREET NW, SUITE 1100, ATTN: B. GALLIANI
WASHINGTON DC 20001

MAILED

APR 08 2011

OFFICE OF PETITIONS

In re Application of :
COX :
Application No. 12/032,602 : DECISION ON PETITION
Filed: February 15, 2008 : TO WITHDRAW
Attorney Docket No. BOBJ-199/00US 304661-2437 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 17, 2011.

The request is **NOT APPROVED.**

The Office will either change the correspondence address of record to the most current address information provided for a new practitioner or law firm who has filed a proper power of attorney, the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, since the change of correspondence address is not that of a new practitioner or law firm who has filed a proper power of attorney in the Office, the request to withdraw from record cannot be approved.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NUGENT & SMITH, LLP
91 FOREST BOULEVARD, SUITE 100
ARDSLEY NY 10502

MAILED

JUN 17 2011

OFFICE OF PETITIONS

In re Application of
Michael GAYNES
Application No. 12/032,645
Filed: February 16, 2008
Attorney Docket No.
YOR920050105US3/IBM-14

DECISION ON PETITION

This is a decision on the petition, filed March 15, 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 March 08, 2010, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before June 08, 2010.

Petitioner states that a timely reply was mailed via certificate of mailing on July 08, 2010. Petitioner has submitted a copy of the previously mailed correspondence including a one (1) month extension of time, which bears a certificate of mailing dated July 08, 2010 which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time

has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of March 08, 2010 is hereby withdrawn and the application restored to pending status.

The copy of the reply received on January 18, 2011 will be accepted in place of the reply shown to have been mailed on July 08, 2010.

Telephone inquiries concerning this decision should be directed to the Michelle R. Eason at (571) 272-4231.

This application is being referred to Technology Center AU 1766 for appropriate action in the normal course of business on the reply received with petition.

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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MICROBAN PRODUCTS COMPANY
11400 VANSTORY DRIVE
HUNTERSVILLE NC 28078

MAILED
JUL 29 2011
OFFICE OF PETITIONS

In re Application of	:	
Alvin Lamar Campbell, Jr.	:	
Application No. 12/032,657	:	DECISION ON PETITION
Filed: February 16, 2008	:	
Attorney Docket No. 30101.346	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 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, June 24, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 26, 2010. The Notice of Abandonment was mailed January 3, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620, and (3) an adequate statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,110 extension of time fee submitted with the petition on February 9, 2011 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1784 for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/032,766	02/18/2008	Lawrence K. Pierce	1434-021	5114

32905 7590 03/28/2011

JONDLE & ASSOCIATES, P.C.
858 HAPPY CANYON ROAD, SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
WORLEY, CATHY KINGDON	

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
03/28/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAR 2 8 2011

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
Lawrence K. Pierce
Serial No.: 12/032,766
Filed: February 18, 2006
Attorney Docket No.: **1434-021**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed March 24, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on September 18, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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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.
12/032,766	02/18/2008	Lawrence K. Pierce	1434-021	5114

32905 7590 05/05/2011
JONDLE & ASSOCIATES, P.C.
858 HAPPY CANYON ROAD, SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
WORLEY, CATHY KINGDON	
ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
05/05/2011	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):

JondleOA@jondlelaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

MAY 0 5 2011

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
Lawrence K. Pierce
Serial No.: 12/032,766
Filed: February 18, 2008
Attorney Docket No.: **1434-021**

: PETITION DECISION

This is essentially a duplicate petition decision as the one mailed March 28, 2011 but this one reflects a correct filing date. This is in response to the renewed petition under 37 CFR § 1.59(b), filed March 24, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on September 18, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Carlson, Gaskey & Olds/Masco Corporation
400 West Maple Road
Suite 350
Birmingham, MI 48009

MAILED
NOV 25 2011
OFFICE OF PETITIONS

In re Application of :
Earl David Forrest :
Application No. 12/032,777 : ON PETITION
Filed: February 18, 2008 :
Attorney Docket No. 60137-551; 445-3386-U :

This is a decision on the petition under 37 CFR 1.181 (no fee) filed on September 25, 2011, to withdraw the holding of abandonment in the above application.

The application became abandoned for failure to file a reply to the Restriction/Election Requirement mailed January 12, 2011. A Notice of Abandonment was mailed on July 28, 2011.

In the present petition, petitioner states that a reply to the Office action was timely filed on February 9, 2011. To support this assertion, petitioner submits the Electronic Acknowledgment Receipt.

A review of the official file record discloses that while the Electronic Acknowledgement Receipt filed on February 9, 2011, contained the above-identified application number, the accompanying response contained the wrong application number; and as a result, the response could not be properly matched to the above application.

Under current Office procedure, if a paper contains the incorrect application number, but contains sufficient information to identify the correct application and was timely filed, the holding of abandonment will be withdrawn. In reviewing the papers submitted, it is concluded that the information contained thereon (i.e., application number, confirmation number and title of invention) was insufficient to properly associate the papers with the above-identified application. Therefore, the petition under 37 CFR 1.181 is **dismissed**[1].

Petitioner is encouraged to file a petition under 37 CFR 1.137(b) and pay the petition fee of $930 for small entity or $1,860 for large entity. The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

[1] Petitioner is cautioned to ensure that the correct identifying data appears on all correspondence submitted to the USPTO to avoid situations of the nature which occurred in the present application.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition." This is not a final agency action within the meaning of 5 U.S.C. § 704.

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, and documentation to this number should be addressed to the Office of Petitions.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO. To expedite consideration, petitioner may wish to contact the undersigned once the renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(b) has been filed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED

NOV 22 2011

OFFICE OF PETITIONS

In re Application of
Chen et al.
Application No. 12/032,809
Filed: February 18, 2008
For: SYSTEM FOR GENERATING EFFICIENT AND COMPACT UPDATE PACKAGES

DECISION ON PETITION

This is in response to the petition under 37 CFR 1.47(a), filed November 10, 2011.

The petition is dismissed as inappropriate.

The instant petition was filed to obtain 1.47 status for an unsigned assignment by inventor Barber.

A review of the record shows that a fully executed declaration pursuant to 37 CFR 1.63(d) was filed on February 18, 2008. The provisions of 37 CFR 1.47 are not applicable to matters concerning unsigned assignment documents.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, practitioner's signature appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If practitioner desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to practitioner, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this patent file will be directed solely to the correspondence address of record.

This application is being referred to Technology Center AU2191 for appropriate action by the Examiner in the normal course of business.

Telephone inquiries should be directed to the undersigned at (571) 272-3215.

Charlema Grant

Charlema Grant
Attorney Advisor
Office of Petitions

Cc: Brooks & Cameron
1221 Nicollet Avenue, Suite 500
Minneapolis, MN 55403

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MAILED

APR 26 2011

OFFICE OF PETITIONS

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474 M/S 3999
DALLAS TX 75265

In re Application of :
Oshikubo, et al. :
Application No. 12/032,966 : ON PETITION
Filed: February 18, 2008 :
Attorney Docket No. TI-63849 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed March 30, 2011.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the Notice of Non-Compliant Amendment, mailed September 30, 2010. This Notice set an extendable period for reply of one month. No reply having been received, the application became abandoned on October 31, 2010. The mailing of this decision precedes the mailing of a courtesy Notice of Abandonment.

With the instant petition, applicants made the proper statement of unintentional delay, paid the petition fee, and filed the required reply in the form of an Election.

The application is being forwarded to Group Art Unit 2811 for consideration of the Election, filed March 30, 2011 .

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Cox Smith Matthews Incorporated
112 East Pecan Street, Suite 1800
San Antonio, TX 78205-1521

MAILED

SEP 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Peter Koepke et al.	:	
Application No. 12/032,984	:	DECISION ON PETITION
Filed: February 18, 2008	:	TO WITHDRAW
Attorney Docket No. 028947.0101PTUS	:	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 23, 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 all attorneys/agents associated with customer number 00716 have been revoked by the assignee of the patent application on March 29, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the 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: Patton Boggs, LLP
8484 WestPark Drive
Suite 900
McLean, VA 22102

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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GREG GOSHORN, PC
9600 ECARPMENT
SUITE 745-9
AUSTIN, TX 78749

MAILED

APR 20 2011

OFFICE OF PETITIONS

In re Application of :
Robert Christopher Dixon, et al. :
Application No. 12/032,990 : DECISION ON PETITION
Filed: February 18, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. AUS920040150US2 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed March 15, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **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 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 2117 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.

/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
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/032,990	02/18/2008	2117	1030	AUS920040150US2	11	2

CONFIRMATION NO. 5544

CORRECTED FILING RECEIPT

48916
Greg Goshorn, P.C.
9600 Escarpment
Suite 745-9
AUSTIN, TX 78749

Date Mailed: 04/19/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Robert Christopher Dixon, Austin, TX;
John Wayne Hartfiel, Austin, TX;
Hien Minh Le, Cedar Park, TX;
Tung Nguyen Pham, Cedar Park, TX;

Power of Attorney: The patent practitioners associated with Customer Number 48916

Domestic Priority data as claimed by applicant

This application is a DIV of 10/870,459 06/17/2004 PAT 7,409,469

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 03/12/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/032,990**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

MULTI-CHIP DIGITAL SYSTEM HAVING A PLURALITY OF CONTROLLERS WITH SELF-IDENTIFICATION SIGNAL

Preliminary Class

714

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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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Alexandria, VA 22313-1450
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MCDERMOTT, WILL & EMERY, LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

MAILED
OCT 04 2011
OFFICE OF PETITIONS

In re Application of :
Jason D. Guyton :
Application No. 12/032,992 : DECISION ON PETITION
Filed: February 18, 2008 :
Attorney Docket No. SW00903 (P151US) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 29, 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 1, 2011, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 2, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1860, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3677 for appropriate action by the Examiner in the normal course of business on the reply received September 29, 2011.

April M. Wise
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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STEPHEN C. KAUFMAN
INTELLECTUAL PROPERTY LAW DEPT.
IBM CORPORATION
P.O. BOX 218
YORKTOWN HEIGHTS, NY 10598

MAILED

DEC 15 2010

OFFICE OF PETITIONS

In re Application of
Simona Cohen et al
Application No. 12/033,024
Filed: February 19, 2008
Attorney Docket No. IL920020009US2

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition filed May 16, 2010 under 37 CFR 1.78(a)(3), to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **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 Irvin Dingle at (571) 272-3210. 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 2167 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.

David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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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
12/033,024	02/19/2008	2167	1030	IL920020009US2	9	3

CONFIRMATION NO. 5621

CORRECTED FILING RECEIPT

Stephen C. Kaufman
Intellectual Property Law Dept.
IBM Corporation
P.O. Box 218
Yorktown Heights, NY 10598

OC000000044965817

Date Mailed: 12/15/2010

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)

Simona COHEN, Haifa, ISRAEL;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a DIV of 10/211,171 08/01/2002 PAT 7,356,480

Foreign Applications

If Required, Foreign Filing License Granted: 03/06/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/033,024**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD FOR EFFICIENT DATA TRANSFORMATION

Preliminary Class

707

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/033,178	02/19/2008	Edwards Allen	38-21(54478)B	5901

27161 7590 06/16/2011

MONSANTO COMPANY
800 N. LINDBERGH BLVD.
ATTENTION: GAIL P. WUELLNER, IP PARALEGAL, (E1NA)
ST. LOUIS, MO 63167

EXAMINER	
ZHENG, LI	
ART UNIT	**PAPER NUMBER**
1638	
MAIL DATE	**DELIVERY MODE**
06/16/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JUN 16 2011

Maria Margarita D. Unson
MONSANTO COMPANY
800 N. LINDBERGH BLVD.
ATTENTION: GAIL P. WUELLNER, IP PARALEGAL, (E1NA)
ST. LOUIS MO 63167

In re Application of	:
Allen	:Decision on Petition
Serial No.:12/033,178	:
Filed: 19 February 2008	:
Attorney Docket No.:38-21(54478)B	:

This letter is in response to the Petition filed on 3 February 2011 under 37 C.F.R. 1.144 requesting that the restriction requirement dated 10 June 2010 be withdrawn.

BACKGROUND

On 10 June 2010, the examiner required five requirements to elect species encompassed in the 20 pending claims.

> This application contains claims directed to the following patentably distinct species groups: 1) different number of stem-loop processed as indicated in claims 5 and 6; 2) different pest listed in claim 7; 3) different target gene listed in claims 9-11; 4) grafted plant (claims 15-16) or non-grafted plant ; 5) different pairs of host and pest listed in claim 12. The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

On 23 July 2010, applicants made elected species for examination, with traverse.

On 14 October 2011, the examiner considered the traversal. The examiner withdrew the first and fifth requirements to elect species.

> During the examination, it is found that there is no serious burden to examine all the species in Groups 1 and 5 , therefore, the species election requirement in this regard is withdrawn.

The examiner maintained the requirement to elect a single different target gene listed in claims 9-11(thereby withdrawing claim 9 directed to endogenous target from examination) and whether the plant is grafted or non-grafted in claims (thereby withdrawing claims 15-16 directed to non-natural plants further comprising non-transgenic tissue). Although applicant elected the species of insect (claim 7), it appears that the prior art rejection was directed, at least in part, towards the non-elected species of nematodes. The examiner then made the restriction requirement final. Claims 9, 15 and 16 were withdrawn from consideration under 37 CFR 1.142(b). Claims 1, 2, 7, 8, 10-14 and 17-20 were rejected. Claims 3 and 4 were objected to because claim 3 depended upon itself and claim 4 depended upon claim 3.

On 3 February 2011, applicants filed this petition.

DISCUSSION

The application, file history and petition have been considered carefully. Relevant claims are set forth below:

> 1. (Currently amended) A non-natural plant having resistance to an invertebrate pest that ingests RNA from said plant, wherein
>
> said non-natural plant comprises a transgenic plant cell having in its genome a recombinant DNA construct that comprises a promoter functional in a plant cell and that is transcribed in said transgenic plant cell to a recombinant miRNA precursor; and
>
> said recombinant miRNA precursor comprises a single strand of RNA that folds into the secondary structure of an invertebrate miRNA precursor and that comprises at least one stem-loop that is processed to a mature miRNA; and
>
> said mature miRNA suppresses expression of at least one target gene of said invertebrate pest or of a symbiont associated with said invertebrate pest, thereby conferring on said non-natural plant resistance to said invertebrate pest.
>
> 7. (Original) The non-natural plant of claim 1, wherein said invertebrate pest is at least one selected from the group consisting of insects, arachnids, nematodes, molluscs, and annelids.

9. (Original) The non-natural plant of claim 1, wherein said at least one target gene is an endogenous target of an invertebrate miRNA natively expressed from said invertebrate miRNA precursor.

15. (Original) The non-natural plant of claim 1, wherein said non-natural plant further comprises non-transgenic tissue.

16. (Original) The non-natural plant of claim 15, wherein said plant comprises a non-transgenic scion and a transgenic rootstock comprising said transgenic plant cell.

Three election of species requirements are under review.

Concerning the requirement to elect between grafted or non-grated plant, applicant has correctly pointed out that a transgenic plant may be grafted or not grafted and a grated plant may be composed of transgenic or non-transgenic material. There are no claims limited to the non-grafted plant and the independent claims are generic to both grafted and non-grafted plants. The requirement has in essence restricted out a species from a genus claim. For this reason, dependent claims 15-16 were improperly withdrawn from the examination of independent claim 1.

Concerning the requirement to elect between the endogenous or non-endogenous target gene, it is noted that Claim 1 encompasses more than one target gene. Claim 1 encompasses a plant which produces two mature miRNAs, one of which could suppress an endogenous target gene and another which could suppress a non-endogenous target gene. The requirement has not set forth a clear demarcation between separately patentable subject matter. For this reason, dependent claim 9 was improperly withdrawn from the examination of independent claim 1.

Finally, concerning the propriety of election of species requirement amongst the invertebrate pests recited in the alternative of claim 7, it is noted that applicants elected "insect" however the prior art rejection of record discusses how Vance et al do not teach the target gene being essential gene from "nematodes." It is not clear from the discussion of the election (pages 2-3 of the Office action) or the prior art rejection whether the examiner was aware that the "insect" pest had been elected or whether an insect in general or a round worm species such acorn rootworm was a type of nematode. It is further not clear whether the examiner maintained or withdrew the requirement to elect a single type of pest. MPEP 814 provides the following guidance concerning the requirement for a clear record:

> 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.

Moreover, because there are no single species claims directed to different types of pests, it is not clear how it would be a serious burden to examine the single Markush claim directed to a list of

alternative pests, according to the examination process set forth in MPEP 803.02. For these reasons, this requirement is withdrawn.

DECISION

Accordingly, the petition under 37 CFR 1.144 is **GRANTED**.

The election of species requirements have been withdrawn.

The application will be returned to the examiner for consideration of the papers filed 14 March 2011 and for preparation of an Office action consistent with this decision which addresses all pending claims 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 571-273-8300.

Jacqueline Stone
Director, Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/033,411	02/19/2008	Yasuo TAKESHITA	081063	6283

7590 05/06/2011

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
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WASHINGTON, DC 20036

EXAMINER	
HAROLD, JEFFEREY F	

ART UNIT	PAPER NUMBER
2422	

NOTIFICATION DATE	DELIVERY MODE
05/06/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

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HONIGMAN MILLER SCHWARTZ & COHN LLP
38500 WOODWARD AVENUE
SUITE 100
BLOOMFIELD HILLS MI 48304-5048

MAILED

NOV 19 2010

OFFICE OF PETITIONS

In re Application of :
Walters :
Application No. 12/033,437 : ON PETITION
Filed: February 19, 2008 :
Attorney Docket No. 226024-130917 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 4, 2010, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned March 11, 2010 for failure to timely submit a proper reply to the final Office action mailed December 10, 2009. The final Office action set a three month shortened statutory period of time for reply. No petition for extension of time pursuant to 37 CFR 1.136(a) was timely filed. Notice of Abandonment was mailed July 16, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including fee and submission required by 37 CFR 1.114; (2) the required petition fee; and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 2876 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
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: 81170338/FMC2292PUS	Application Number (if known): 12/033,444	Filing date: February 19, 2008
First Named Inventor: Suriyaprakash Ayyangar Janarthanam et al.		
Title: SYSTEM AND METHOD FOR PURGING WATER FROM A FUEL CELL STACK		

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 for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

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 to Make Special

Signature /Martin J. Sultana/	Date 03/11/2011
Name (Print/Typed) Martin J. Sultana	Registration Number 57,739

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☒ *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/420 (11-10)
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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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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," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of 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, irrespective of the filing date of the application. 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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/033,444	02/19/2008	Suriyaprakash Ayyangar Janarthanam	81170338	6348

28395 7590 03/28/2011

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EXAMINER	
MARTIN, ANGELA J	

ART UNIT	PAPER NUMBER
1727	

MAIL DATE	DELIVERY MODE
03/28/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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3/28/2011

BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD MI 48075-1238

In re Application of :
Milacic et al. :
Application No. 12/033,444 :
Filed: 1/15/2009 :
Attorney Docket No. **81175585** :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
THE GREEN TECHNOLOGY
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 3/11/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **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 Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1727 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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JAN 31 2012
OFFICE OF PETITIONS

In re Patent of Das et al.	:
Patent No. 8,065,254	: DECISION ON REQUEST FOR
Issue Date: November 22, 2011	: RECONSIDERATION OF
Application No. 12/033,540	: PATENT TERM ADJUSTMENT
Filed: February 19, 2008	:
Attorney Docket No. 16113-0406001	:

This is a decision on the petition filed on January 20, 2012, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by eight hundred thirty-four (834) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **DISMISSED.**

BACKGROUND

On November 22, 2011, the above-identified application matured into U.S. Patent No. 8,065,254, with a revised patent term adjustment of 772 days. On January 20, 2012, patentees timely submitted this request for reconsideration of patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 834. Patentees maintain that the Office incorrectly calculated Office delay pursuant to 37 CFR 1.702(b). Patentees contend that the Office erred in subtracting from the "B delay" a period of time that was not "consumed by continued examination of the application." Specifically, Patentees argue that (after the filing of the first request for continued examination) the Office mailed a Notice of Allowance on September 22, 2011, thereby closing examination of the application on that date. Thus, Patentees argue no continued examination took place during the 62 day

period from September 22, 2011 (the mailing date of the Notice of Allowance) until November 22, 2011 (the date the patent was issued). As such, Patentees maintain that the "B delay" should include the 62 days and be increased from 101 to 163 days. Patentees conclude that the correct patent term adjustment is 834 days (the sum of 698 days of "A delay" and 163 days of "B delay" minus 27 overlapping days minus 0 days of Applicant delay).

RELEVANT STATUTE AND REGULATIONS

The statutory basis for calculation of "B delay" is 35 U.S.C. 154(b)(1)(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY, which provides that:

Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including –

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

(ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or

(iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

The implementing regulation, 37 CFR 1.702(b) provides that:

Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including:

(1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);

(2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);

(3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;

(4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or

(5) Any delay in the processing of the application by the Office that was requested by the applicant.

OPINION

Patentees' arguments have been considered, but not found persuasive. The Office calculated the period of "B delay" pursuant to 35 U.S.C. 154(b)(1)(B)(i) and 37 CFR 1.702(b)(1) as 101 days based on the application having been filed under 35 U.S.C. 111(a) on February 19, 2008 and the patent not having issued as of the day after the three year date, February 20, 2011, and the first request for continued examination under 132(b) having been filed on June 1, 2011. In other words, the 62 day period beginning on the date of mailing of the notice of allowance to the date of issuance of the patent was considered time consumed by continued examination of an application under 35 U.S.C. 132(b) and was not included in the "B delay."

The Office's calculation of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued examination of the application at the request of the applicant under 35 U.S.C. 132(b)[1]. So, with respect to calculating the "B delay" where

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[1] Pursuant to 35 U.S.C. 132(b) , 37 CFR 1.114 provides for continued examination of an application, as follows:

(a) If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:

(1) Payment of the issue fee, unless a petition under § 1.313 is granted;

(2) Abandonment of the application; or

(3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.

(b) Prosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application.

applicant has filed a request for continued examination, the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

Further, counting the period of time excluded from the "B delay" for the filing of a request for continued examination under 35 U.S.C. 132(b), from the date on which the request for continued examination is filed to the date the patent is issued is proper. Patentees do not dispute that time consumed by continued examination of an application under 35 U.S.C. 132(b) is properly excluded and that the calculation of the excluded period begins on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the request for continued examination is not any time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56366, 56376 (Sept. 18, 2000) (response to comment 8). Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

Patentees' argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless

otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

First, "Subject to the limitations of paragraph (2)," means that the limitations of paragraph 2 apply to this paragraph's adjustment of patent term. That is, the day-to-day extension of patent term for pendency beyond the 3 year period is restricted as follows: 1) "B delay" cannot accrue for days of "A delay" that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

Second, "if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States," meaning that the condition must first occur that the issuance of an original patent (35 U.S.C. 153), not merely the issuance of a notice of allowance, is delayed due to the Office's failure to issue a patent (sign and record a patent grant in the name of the United States), not merely mail a notice of allowance, within 3 years after the actual filing date of the application in the United States. This provision gives the Office a three-year period to issue a patent (sign and record a patent grant in the name of the United States) after the application filing date before an adjustment will accrue for "B delay."

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), meaning that the three-year period does not include "any time consumed by" or "any delay in processing," as specified in clauses (i)-(iii). This language correlates to 35 U.S.C. 154(b)(1)(A) which likewise provides the basis for determining the period given the Office to take the specified actions before an adjustment will accrue for "A delay" (e.g., extended for 1 day after the day after the period specified in clauses (i)-(iv)).

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, 580 F.Supp.2d 138 (D.D.C., September 30, 2008), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

Thus, not including "any time consumed by" means not including any days used to prosecute the application as specified in clauses (i)-(ii)[2]. Clause (i) specifies "any time consumed by continued examination of the application requested by the applicant under section 132(b)." Clause (ii) specifies "any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court." "Time" in the context of this legislation throughout refers to days. "Consumed by" means used by or used in the course of. *Websters Collegiate Dictionary*, (11th ed.). The "any" signifies that the days consumed by are "any" of the days in the pendency of the application, and not just days that occur after the application has been pending for 3 years. As such, "any time consumed by" refers to any days used in the course of 1) continued examination of the application under section 132(b)(the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus, that 3-year period given to the Office to issue a patent before

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[2] Clause (iii) provides for not including (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued. It is noted that paragraph (3)(C) allows with an adequate showing by applicant for reinstatement of no more than 3 months of the patent term reduced for applicant delay in taking in excess of three months to respond.

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[3] permit the filing of a request for continued examination under

[3] Thus, on occasion, even where a request for continued examination has already been filed and a notice of allowance issued pursuant to that request, applicant may file a further request for continued examination.

37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

As the examination process does not terminate with the mailing of the notice of allowance, the time consumed by continued examination requested by the applicant under section 132(b) does not terminate with the mailing of the notice of allowance. All the time the application is pending from the date of filing of the request for continued examination to the mailing of the notice of allowance through issuance of the patent is a consequence of the filing of the request for continued examination. Further action by the Office is pursuant to that request. Applicant has gotten further prosecution of the application without having to file a continuing application under 37 CFR 1.53(b).

All of the continued examination pursuant to the filing of the request by the applicant is properly excluded from the delay attributed to the Office. 35 U.S.C. 154(b)(1)(B)'s guarantee of a total application pendency of no more than three years provides for adjustment of the patent term for delay due to the Office's failure to issue the patent within three years, but does not include "any time consumed by continued examination requested by the applicant under 35 U.S.C. 132(b)." It is not necessary to mitigate the effect on the 20-year term to the extent that applicant has requested that the Office continue to examine the application via a request for continued examination, in lieu of, the filing of a continuing application under 37 CFR 1.53(b).

In this instance, the first request for continued examination was filed on June 1, 2011, and the patent issued by virtue of that (and a subsequently filed) request on November 22, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on September 22, 2011 and ending on November 22, 2011 is not included in calculating Office delay.

CONCLUSION

In view thereof, it is concluded that the patent term adjustment of 772 days indicated on the patent is correct.

The patent will be referred to Certificates of Correction Branch for consideration of the request for certificate of correction, filed December 28, 2011.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

HKH LAW, LLC
1660 LINCOLN STREET, SUITE 3000
DENVER CO 80264

In re Application of	:	
Philis A. Harvie	:	
Application No. 12/033,552	:	DECISION ON PETITION
Filed: February 19, 2008	:	
Attorney Docket No. 373-002-CIP	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 16, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 17, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 18, 2010. A Notice of Abandonment was mailed February 28, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

Further, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office. Additionally, 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.

Additionally, the address given on the petition differs from the new address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 3776 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

cc: Thomas J. Osborne, Jr.
Hamilton, DeSanctis Cha LLP
Finanacial Plaza at Union Square
225 Union Boulevard, Suite #150
Lakewood, CO 80228

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.
12/033,591	02/19/2008	Thomas A. Ward	TWAR-01001US0	6594

23910 7590 11/10/2010

FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO, CA 94108

EXAMINER	
BERHANU, SAMUEL	
ART UNIT	**PAPER NUMBER**
2858	

NOTIFICATION DATE	DELIVERY MODE
11/10/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OFFICEACTIONS@FDML.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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Thomas A. Ward
FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO CA 94108

In re Application of:
Thomas A. Ward
Serial No.: 12/033,591
Filed: February 19, 2008
Docket Number: TWAR-01001US0
Title: HYBRID VEHICLE WITH A LOW VOLTAGE SOLAR HYBRID VEHICLE WITH A LOW VOLTAGE SOLAR PANEL CHARGING A HIGH VOLTAGE BATTERY USING A SERIES CHARGER TO SEPARATELY CHARGE INDIVIDUAL CELLS OF THE SERIES CONNECTED BATTERY

DECISION ON PETITION UNDER
37 C.F.R. § 1.181

This is a decision on the petition under 37 C.F.R. § 1.181, filed on September 28, 2010, requesting withdrawal of the finality of the Office action August 5, 2010. The petition is before the TC Director for a decision.

The petition is **DISMISSED AS MOOT**.

Petitioner asserts the finality of the Office action mailed August 5, 2010 is improper and should be withdrawn because independent claim 1, although amended for clarity, did not change in scope after the first Office action of May 7, 2010, and no reference was used that applicant cited in the new ground of rejection of claim 1 to necessitate finality of the Office action mailed August 5, 2010.

A review of the record confirms that the examiner did conduct an interview with applicant on July 14, 2010 and that possible amendment to the claim language of claims 1 and 20 was then discussed. The amendment filed July 15, 2010 was not sufficient to place the case in condition for allowance. A second interview was held on November 3, 2010 and agreement was reached.

The application will be placed in condition for allowance by Examiner's Amendment. Accordingly, the relief requested is no longer applicable and is now moot.

Any inquiry regarding this decision should be directed to Melissa Koval, Supervisory Patent Examiner, at (571) 272-2212.

John W. Cabeca, TC Director
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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WORKMAN NYDEGGER
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY UT 84111

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of :
Paul BRANCH et al. :
Application No. 12/033,647 : DECISION ON PETITION
Filed: February 19, 2008 :
Attorney Docket No. 15499.940.2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 09, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 16, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 17, 2010

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of August 16, 2010 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results

in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 3637 for appropriate action by the Examiner in the normal course of business on the reply received

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **GILMORE, RICHARD**
MASCHOFF GILMORE & ISRAELSEN, PLLC
1441 W. UTE BLVD
SUITE 100
PARK CITY, UT 84098

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Alexandria, VA 22313-1450
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MAILED

JAN 19 2011

OFFICE OF PETITIONS

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

In re Application of	:	
Chizuko Ito et al.	:	
Application No. 12/033,653	:	DECISION ON PETITION
Filed: February 19, 2008	:	
Attorney Docket No. TI-64244	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 23, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed on July 8, 2010, which set a period for reply of three (3) months. Accordingly, the application became abandoned on October 9, 2010. A Notice of Abandonment was mailed on October 25, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly, the corrected drawings 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 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

Decision Date : April 28,2011

In re Application of :

Stephen Miller

Application No : 12033695

Filed : 19-Feb-2008

Attorney Docket No : T-6581D

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed April 28,2011 , to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Patent Publication.

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	12033695
Filing Date	19-Feb-2008
First Named Inventor	Stephen Miller
Art Unit	1793
Examiner Name	KEVIN JOHNSON
Attorney Docket Number	T-6581D
Title	PROCESS FOR THE OXIDATION OF HYDROCARBONS UTILIZING SHAPED BINDERLESS TS-1 ZEOLITE CATALYST

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	/Michael D. Ross/
Name	Michael D. Ross
Registration Number	28467

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Alexandria, VA 22313-1450
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ARRIS INTERNATIONAL, INC
3871 LAKEFIELD DRIVE
SUWANEE GA 30024

MAILED

JUN 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Hughes et al.	:	
Application No. 12/033,732	:	DECISION ON PETITION
Filed: February 19, 2008	:	
Attorney Docket No. 8284	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 20, 2011, to revive the above-identified application.

The petition is **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 fee on or before March 28, 2011, as required by the Notice of Allowance and Fee(s) Due mailed December 27, 2010. Accordingly, the date of abandonment of this application is March 29, 2011. A Notice of Abandonment was mailed April 11, 2011.

Petitioner asserts that:

"The required reply in the form of a Request for Continued Examination (RCE) referencing the After Final Amendment which was not entered is attached hereto. Moreover, the entire delay in filing the attached RCE from the due date for the reply until the filing of this petition pursuant to 37 CFR 1.137(b) was unintentional.
The entire delay in responding to the Notice of Allowance was unintentional, and caused by Assignee's error in docketing the Notice of Allowance. The required response to the previous Office Action (i.e., Issue Fee Transmittal) is included herewith."

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply

until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks items (1) and (3) of the above items.

With regards to item (1), petitioner has properly paid the issue fee of $1,510.00 and the publication fee of $300.00. However, petitioner appears to be attempting to additionally respond with a Request for Continued Examination (RCE) along with the response to the Notice of Allowance. Further, petitioner refers to "the After Final Amendment which was not entered is attached hereto." A review of USPTO records reveals no such attachment. Additionally, the above-identified application received a Non-Final Rejection, mailed July, 13, 2010 and was timely responded to by applicant on December 11, 2010. This response resulted in the Notice of Allowance mailed December 27, 2010. Therefore, petitioner must clarify what is being requested at this time.

With respect to item (3), petitioner has failed to submit a proper unintentional statement as required by 37 CFR 1.137(b). Form PTO/SB/64 is enclosed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: Form PTO/SB/64

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

ARRIS GROUP, INC.
3871 LAKEFIELD DRIVE
SUWANEE GA 30024

MAILED

AUG 18 2011

OFFICE OF PETITIONS

In re Application of :
Hughes et al. :
Application No. 12/033,732 : DECISION ON PETITION
Filed: February 19, 2008 :
Attorney Docket No. 8284 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 9, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 28, 2011, as required by the Notice of Allowance and Fee(s) Due mailed December 27, 2010. Accordingly, the date of abandonment of this application is March 29, 2011. A Notice of Abandonment was mailed April 11, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510.00 and the publication fee of $300.00 (previously submitted April 20, 2011), (2) the petition fee of $1,620.00 (previously submitted April 20, 2011); and (3) a proper statement of unintentional delay.

Further, 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Additionally, petitioner has submitted an unnecessary duplicate $1,620.00 petition fee. This fee will be refunded to petitioner's deposit account in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

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MAILED
JUN 13 2011
OFFICE OF PETITIONS

MCGUIREWOODS, LLP
1750 TYSONS BLVD
SUITE 1800
MCLEAN, VA 22102

In re Application of :
Wright et al. :
Application No. 12/033,750 :
Filed: May 13, 2008 :
Attorney Docket No. 2005025-5239US :
For: Chair :

Decision Refusing to Accord
Status Under 37 C.F.R. § 1.47(a)

This is a decision on the petition under 37 C.F.R. § 1.47(a) filed May 13, 2008. The Office regrets the delay in the issuance of the instant decision.

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 C.F.R. § 1.136(a) are permitted. No further petition fee is required for the request. Any response should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(a)" and may include an oath or declaration executed by the current non-signing inventor. **Failure to respond will result in abandonment of the application.**

Facts

The instant application was filed February 19, 2008.

The application papers filed February 19, 2008, included seven declaration pages.

The first declaration page:

1. Identifies the first inventor as Douglas G. Wright, and
2. Includes the following language: "Page 1 of 4."

The second declaration page:

1. Does not identify any inventors, and
2. Includes the following language: "Page 2 of 4."

The third declaration page:

1. Identifies the following four inventors:
   A. Douglas G. Wright,
   B. Mark T. Proffitt,
   C. G.L. Huff, and
   D. Stephen J. Zwonitzer,
2. Includes Wright's signature, and
3. Includes the following language: "Page 3 of 4."

The fourth declaration page:

1. Identifies the following four inventors:
   A. Douglas G. Wright,
   B. Mark T. Proffitt,
   C. G.L. Huff, and
   D. Stephen J. Zwonitzer,
2. Includes Proffitt's signature, and
3. Includes the following language: "Page 3 of 4."

The fifth declaration page:

1. Identifies the following four inventors:
   A. Douglas G. Wright,
   B. Mark T. Proffitt,
   C. G.L. Huff, and
   D. Stephen J. Zwonitzer,
2. Includes Zwonitzer's signature, and
3. Includes the following language: "Page 3 of 4."

The sixth declaration page:

1. Identifies only one inventor:
2. Identifies Robert B. Holben as an inventor,
2. Includes Holben's signature, and
3. Includes the following language: "Page 4 of 4."

The seventh declaration page:

1. Identifies two inventors,
2. Identifies Robert B. Holben as an inventor,
3. Identifies Kurt Rampton as an inventor,
4. Is not signed by any inventor, and
5. Includes the following language: "Page 4 of 4."

The application papers filed February 19, 2008, included an application data sheet ("ADS"). The ADS identifies the following six inventors:

1. Douglas G. Wright,
2. Mark T. Proffitt,
3. G.L. Huff,
4. Stephen J. Zwonitzer,

5. Robert B. Holben, and
6. Kurt Rampton.

The petition under 37 C.F.R. § 1.47(a) and seven pages of declaration were filed May 13, 2008. The seven pages of declaration are identical to the seven pages of declaration filed February 19, 2008, except for the fact the last page of the declaration filed May 13, 2008, is signed by inventor Rampton.

Discussion

A grantable petition under 37 C.F.R. § 1.47(a) requires:

1. Proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refused to sign the declaration 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 $200 as specified in 37 C.F.R. § 1.17(g), and
4. The last known address of the non-signing inventor(s).

The instant petition fails to satisfy the requirements set forth above. Specifically, the petition fails to properly establish Huff has refused to sign the declaration and the petition is not accompanied by a proper declaration.

Evidence Pertaining to Huff's Refusal to Sign the Declaration

M.P.E.P. § 409.03(d)(II) states, with emphasis added,

> 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.*

The petition does not include a copy of the letter sent to Huff on February 26, 2008. Any request for reconsideration should include a copy of the letter or a statement a copy of the letter no longer exists or cannot be found.

The Declaration Filed May 13, 2008

The following individuals are the inventors of record:

1. Douglas G. Wright,
2. Mark T. Proffitt,
3. G.L. Huff,
4. Stephen J. Zwonitzer,
5. Robert B. Holben, and
6. Kurt Rampton.

Five of the six inventors appear to have signed five four-page declarations. When inventors sign individual declarations, each individual declaration must be submitted to the Office. *See* M.P.E.P. § 201.03(II)(B) ("Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.")

Copies of each of the four-page declarations have not been filed. Instead, portions of the declarations appear to have been combined and filed as a seven-page declaration on May 13, 2008. Since the seven-page declaration does not include a copy of each of the individual declarations, the seven-page declaration is improper.

The seven-page declaration filed May 13, 2008, includes two version of "Page 4 of 4." One version ("Version 1") of the page identifies Holben as an inventor and the other version ("Version 2") identifies Holben *and* Rampton as inventors.

The declaration signed by Holben included Version 1 of the fourth page of the declaration. Therefore, any request for reconsideration must include a supplemental declaration identifying all the inventors signed by Holben.

The record does not contain sufficient information to determine the version of the fourth page included in the declaration signed by Wright. If the declaration included Version 1 of the fourth page, any request for reconsideration must include a supplemental declaration identifying all the inventors signed by Wright.

The record does not contain sufficient information to determine the version of the fourth page included in the declaration signed by Proffitt. If the declaration included Version 1 of the fourth page, any request for reconsideration must include a supplemental declaration identifying all the inventors signed by Proffitt.

The record does not contain sufficient information to determine the version of the fourth page included in the declaration signed by Zwonitzer. If the declaration included Version 1 of the fourth page, any request for reconsideration must include a supplemental declaration identifying all the inventors signed by Zwonitzer.

Pursuant to 37 C.F.R. § 1.63(a)(2), a declaration must "[i]dentify each inventor by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial." The seven-page declaration does not include at least one given name without abbreviation for Huff. Instead, the declaration identifies Huff as "G.L. Huff." A supplemental declaration setting forth a non-abbreviated name for Huff should be filed. The supplemental declaration, which can take the form of individual declarations, must be signed by all five of the other inventors unless a grantable petition under 37 C.F.R. § 1.183 requesting waiver of the need for the signatures of one or more of the other inventors is filed.

Conclusion

In view of the prior discussion, the requirements of 37 C.F.R. § 1.47(a) have not been met. Therefore, the petition is hereby dismissed.

Further correspondence with respect to this matter may be submitted as follows:

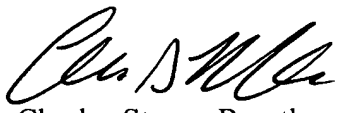
By Internet: A request for reconsideration may be filed electronically using EFS Web.[1] Document Code "PET.OP" should be used if the request is filed electronically.

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

[1] General Information concerning EFS Web can be found at http://www.uspto.gov/patents/process/file/efs/index.jsp.

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

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AUG 09 2011
OFFICE OF PETITIONS

MCGUIREWOODS, LLP
1750 TYSONS BLVD
SUITE 1800
MCLEAN, VA 22102

In re Application of	:	
Wright et al.	:	
Application No. 12/033,750	:	Decision Refusing to Accord
Filed: May 13, 2008	:	Status Under 37 C.F.R. § 1.47(a)
Attorney Docket No. 2005025-5239US	:	
For: Chair	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.47(a) filed July 14, 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 C.F.R. § 1.136(a) are permitted. No further petition fee is required for the request. Any response should be entitled "Request for Reconsideration of Petition under 37 C.F.R. § 1.47(a)" and may include an oath or declaration executed by the current non-signing inventor. **Failure to respond will result in abandonment of the application.**

Background

The following individuals are the inventors of record:

1. Douglas G. Wright,
2. Mark T. Proffitt,
3. G.L. Huff,
4. Stephen J. Zwonitzer,
5. Robert B. Holben, and
6. Kurt Rampton.

A petition under 37 C.F.R. § 1.47(a) was filed May 13, 2008. The petition was accompanied by a declaration.

The declaration identified the third inventor as G.L. Huff.

The declaration was signed by all the inventors except Huff.

A decision dismissing the petition was mailed June 13, 2011. The decision stated, with emphasis added,

> [T]he petition is not accompanied by a proper declaration....
>
> Copies of each of the four-page declarations have not been filed. Instead, portions of the declarations appear to have been combined and filed as a seven-page declaration on May 13, 2008. Since the seven-page declaration does not include a copy of each of the individual declarations, the seven-page declaration is improper.
>
> The seven-page declaration filed May 13, 2008, includes two version of "Page 4 of 4." One version ("Version 1") of the page identifies Holben as an inventor and the other version ("Version 2") identifies Holben *and* Rampton as inventors.
>
> The declaration signed by Holben included Version 1 of the fourth page of the declaration. Therefore, any request for reconsideration must include a supplemental declaration identifying all the inventors signed by Holben.
>
> The record does not contain sufficient information to determine the version of the fourth page included in the declaration signed by Wright. If the declaration included Version 1 of the fourth page, any request for reconsideration must include a supplemental declaration identifying all the inventors signed by Wright.
>
> The record does not contain sufficient information to determine the version of the fourth page included in the declaration signed by Proffitt. If the declaration included Version 1 of the fourth page, any request for reconsideration must include a supplemental declaration identifying all the inventors signed by Proffitt.
>
> The record does not contain sufficient information to determine the version of the fourth page included in the declaration signed by Zwonitzer. If the declaration included Version1 of the fourth page, any request for reconsideration must include a supplemental declaration identifying all the inventors signed by Zwonitzer.
>
> Pursuant to 37 C.F.R. § 1.63(a)(2), a declaration must "[i]dentify each inventor by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial." The seven-page declaration does not include at least one given name without abbreviation for Huff. Instead, the declaration identifies Huff as "G.L. Huff." A supplemental declaration setting forth a non-abbreviated name for Huff should be filed. The supplemental declaration, which can take the form of individual declarations, must be signed by all five of the other inventors unless a grantable petition under 37 C.F.R. § 1.183 requesting waiver of the need for the signatures of one or more of the other inventors is filed.

Discussion

Issue 1

The prior decision stated any request for reconsideration must include a supplemental declaration, which includes at least one given name for Huff, signed by all the signing inventors.

The instant petition does not include a supplemental declaration. Instead, the petition includes an application data sheet ("ADS") changing the third inventor's name from "G.L. Huff" to "G. Larry Huff."

A party cannot satisfy the requirement in 37 C.F.R. § 1.63(a)(2) that a declaration include at least one given name for an inventor by providing a given name for the inventor in an ADS.

Since a supplemental declaration identifying at least one given name for Huff has not been filed, the petition must be dismissed.

A supplemental declaration listing at least one given name for Huff must be filed. The supplemental declaration must be signed by either Huff or all the other inventors on behalf of Huff.

Issue 2

The declaration signed by Holben did not list Rampton as an inventor.

The prior decision stated any request for reconsideration must include a supplemental declaration identifying all the inventors signed by Holben.

The instant petition does not include does not include a supplemental declaration identifying all the inventors signed by Holben. Therefore, the instant petition must be dismissed.

Issue 3

The instant petition states,

> Five complete copies of the declarations executed by the available joint inventors ... is attached. Please note that the sixth inventor, Kurt Rampton, was added later during a review of the application before filing. The declaration of Robert B. Holben does not include the signature space for Kurt Rampton because at the time he signed it, Kurt Rampton's signature space had not been added.

Holben signed the declaration on February 14, 2008. In other words, the quoted language set forth above *appears* to assert "Rampton's signature space had not been added" to the declaration as of February 14, 2008.

Inventor Wright signed the declaration on January 15, 2008, and inventor Zwonitzer signed the declaration on January 24, 2008. Therefore, the assertion "Rampton's signature space had not been added" when Holben signed the declaration appear to indicate the declarations signed by Wright and Zwonitzer did not list Rampton as an inventor.

The fourth page of the complete copy of the declarations signed by Wright and Zwonitzer list Rampton as an inventor.

In view of the prior discussion, the Office requests counsel review counsel's records and ensure that inaccurate copies of the complete declarations of Wright and Zwonitzer were not inadvertently filed with the instant petition.[1]

If counsel determines the declaration signed by Wright did not list Rampton as an inventor, any request for reconsideration of this decision should include a supplemental declaration listing all the inventors signed by Wright.

If counsel determines the declaration signed by Zwonitzer did not list Rampton as an inventor, any request for reconsideration of this decision should include a supplemental declaration listing all the inventors signed by Zwonitzer.

If counsel determines the declaration signed by Wright, or the declaration signed by Zwonitzer, did not list Rampton as an inventor, counsel should take steps to verify the declaration signed by Proffitt listed Rampton as an inventor. If counsel determines the declaration signed by Proffitt did not list Rampton as an inventor, any request for reconsideration of this decision should include a supplemental declaration listing all the inventors signed by Proffitt.

The Possibility of Relief under 37 C.F.R. § 1.183

The instant decision requires the submission of a supplemental declaration:

1. Setting forth at least one given name for Huff, and
2. Identifying Rampton as an inventor.

The supplemental declaration must be signed by all the previously signing inventors on behalf of Huff unless the supplemental declaration is signed by Huff.

The supplemental declaration must be signed by Holben even if the declaration is signed by Huff.

---

[1] Counsel may wish to note, although the top of third page of the "complete" declaration signed by Wright includes a fax number and the name "T. Clint Harrison," the top of the fourth page does not include a fax number of name. Counsel may also wish to note, although the top of the third page of the "complete" declaration signed by Zwonitzer includes a fax number and the language "Propane Design," the fourth page does not include a fax number or the language "Propane Design."

If the prior declarations by Wright did not list Rampton as an inventor, the supplemental declaration must be signed by Wright even if Huff signs the declaration.

If the prior declarations by Zwonitzer did not list Rampton as an inventor, the supplemental declaration must be signed by Zwonitzer even if Huff signs the declaration.

If the prior declarations by Profitt did not list Rampton as an inventor, the supplemental declaration must be signed by Profitt even if Huff signs the declaration.

As a courtesy, the Office notes relief under 37 C.F.R. § 1.183 may be available if the required signature of one or more of the previously signing inventors cannot be obtained.

Although the propriety of relief under 37 C.F.R. § 1.183 depends on the specific facts in each case, the requirements for an inventor's signature on a supplemental declaration will usually be waived if the petition under 37 C.F.R. § 1.183 demonstrates the inventor cannot be found or refuses to sign the declaration.

Conclusion

In view of the prior discussion, the requirements of 37 C.F.R. § 1.47(a) have not been met. Therefore, the petition is hereby dismissed.

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.[2] Document Code "PET.OP" should be used if the request is filed electronically.

By mail:
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand:
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

[2] General Information concerning EFS Web can be found at http://www.uspto.gov/patents/process/file/efs/index.jsp.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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MCGUIREWOODS, LLP
1750 TYSONS BLVD
SUITE 1800
MCLEAN, VA 22102

MAILED
JAN 10 2012
OFFICE OF PETITIONS

In re Application of :
Wright et al. :
Application No. 12/033,750 :
Filed: May 13, 2008 :
Attorney Docket No. 2005025-5239US :
For: Chair :

Decision According Status
Under 37 C.F.R. § 1.47(a)

This is a decision on the renewed petition under 37 C.F.R. § 1.47(a) filed November 8, 2011.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 47(a) status.

As provided in Rule 47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The Office of Data Management, Patent Publication Branch, will be informed of the instant decision and the application will be issued as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of :
Jonathan Lebowitz :
Application No. 12/033,802 :
Filed: February 19, 2008 :
Attorney Docket No. SYM-008C2 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed December 17, 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: **MARSHALL, GERSTEIN & BORUN LLP (BIOMARIN)**
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606

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MORRISTOWN NJ 07962-2245

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OFFICE OF PETITIONS

In re Application of
Brian Schipper et al.
Application No. 12/033,822
Filed: February 19, 2008
Attorney Docket No. H0017525-5473

: DECISION ON APPLICATION
:FOR PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b): REQUEST FOR REINSTATEMENT OF REDUCED TERM", filed December 20, 2011. Applicants request that the patent term adjustment at the time of the mailing of the Notice of Allowance be corrected from 332 days to 415 days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is FOUR HUNDRED FIFTEEN (415) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On September 20, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 332 days. The instant application for patent term adjustment was timely filed[1]. Applicants dispute the reduction of 83 days of PTA for applicant delay in filing an Information Disclosure Statement (IDS) on May 12, 2011 after the filing of a response (Request for Continued Examination) to a Final Office Action on February 18, 2011.

Applicants specifically state that the patent issuing from the application is not subject to a terminal disclaimer.

A review of the record reveals that on February 18, 2011 applicants filed a response to the Final Office action mailed November 18, 2010. Then on May 12, 2011, applicants filed the Information Disclosure Statement (IDS). Pursuant to 37 CFR § 1.704(c)(8), the submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, is a failure to engage in reasonable efforts to conclude prosecution. The record does not support a conclusion that the IDS was expressly requested by the examiner.

---

[1] PALM records indicate that the Issue Fee was also received on December 20, 2011.

Accordingly, filing of the IDS may be considered a failure to engage and a proper basis for reduction.

However, the record supports a conclusion that the IDS was received May 12, 2011 with a 37 CFR 1.704(d) statement.

> 37 CFR 1.704(d) provides that a paper containing only an information disclosure statement in compliance with 37 CFR 1.97 and 1.98 will not be considered (result in a reduction) under 37 CFR 1.704(c)(6), 1.704(c)(8), 1.704(c)(9), or 1.704(c)(10) 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 37 CFR 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This provision will permit applicants to submit information first cited in a communication from a foreign patent office in a counterpart application to the Office without a reduction in patent term adjustment if an information disclosure statement is promptly (within thirty days of receipt of the first communication) submitted to the Office. Compliance with the statement requirement of 37 CFR 1.704(d) does not substitute for compliance with any relevant requirement of 37 CFR 1.97 or 1.98. 37 CFR 1.704(d) also provides that this thirty-day period is not extendableeply was expressly requested by the examiner, within the meaning of § 1.704(c)(8). Accordingly, no reduction is warranted.

In view thereof, no reduction should have been taken for the filing of the IDS after the mailing of the response to the Final Office Action on February 18, 2011.

Receipt of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

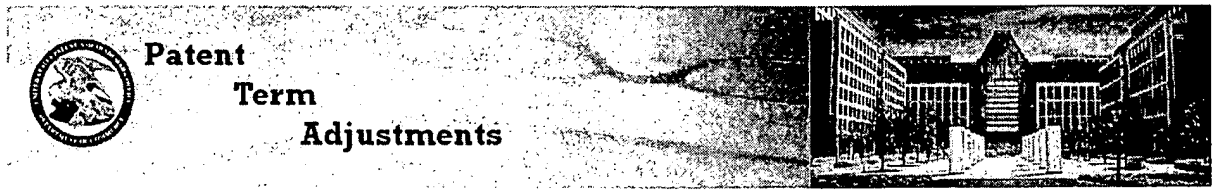
The application is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of Revised PALM Screen



PTA/PTE Information | Patent Term Adjustment | Patent Term Extension

Application Number*: 12033822 Search | Explanation of PTA Calculation | Explanation of PTE Calculation

PTA Calculations for Application: 12033822

Application Filing Date	02/19/2008	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	415
A Delays	415	PTO Manual Adjustment	83
B Delays	0	Applicant Delay (APPL)	83
C Delays	0	Total PTA (days)	415

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
75	12/27/2011		P028	Adjustment of PTA Calculation by PTO	83	0	
66	09/20/2011		MN/=.	Mail Notice of Allowance		0	
65	09/14/2011		OAR	Office Action Review		0	
64	09/14/2011		IREV	Issue Revision Completed		0	
63	09/14/2011		DVER	Document Verification		0	
62	09/14/2011		N/=.	Notice of Allowance Data Verification Completed		0	
61	09/14/2011		DOCK	Case Docketed to Examiner in GAU		0	
60	09/13/2011		OAR	Office Action Review		0	
59	09/13/2011		OAR	Office Action Review		0	
58	09/01/2011		OAR	Office Action Review		0	
57	09/01/2011		CNTA	Allowability Notice		0	
55	09/01/2011		FWDX	Date Forwarded to Examiner		0	
53	08/22/2011		EML_NTR	Email Notification		0	
52	08/22/2011		MEXIN	Mail Examiner Interview Summary (PTOL - 413)		0	
54	08/18/2011		A...	Response after Non-Final Action		0	
51	08/16/2011		OAR	Office Action Review		0	
50	08/16/2011		OAR	Office Action Review		0	
49	08/16/2011		EXIA	Interview Summary- Applicant Initiated		0	
48	08/16/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)		0	
47	05/20/2011		ELC_RVW	Electronic Review		0	
46	05/20/2011		EML_NTF	Email Notification		0	
45	05/20/2011		MCTNF	Mail Non-Final Rejection		0	
44	05/17/2011		CTNF	Non-Final Rejection		0	
56	05/12/2011		IDSC	Information Disclosure Statement considered		0	
43	05/12/2011	02/18/2011	EIDS.	Electronic Information Disclosure Statement		83 39	
42	05/12/2011		WIDS	Information Disclosure Statement (IDS) Filed		0	
41	02/23/2011		FWDX	Date Forwarded to Examiner		0	
38	02/23/2011		ABN9	Disposal for a RCE / CPA / R129		0	
40	02/18/2011		AMSB	Amendment Submitted/Entered with Filing of CPA/RCE		0	
39	02/18/2011		RCEX	Request for Continued Examination (RCE)		0	
37	02/18/2011		BRCE	Workflow - Request for RCE - Begin		0	
36	12/09/2010		EML_NTR	Email Notification		0	
35	12/09/2010		MCTAV	Mail Advisory Action (PTOL - 303)		0	
34	12/06/2010		CTAV	Advisory Action (PTOL-303)		0	
33	12/04/2010		FWDX	Date Forwarded to Examiner		0	
32	12/02/2010		A.NE	Amendment after Final Rejection		0	
31	11/18/2010		ELC_RVW	Electronic Review		0	
30	11/18/2010		EML_NTF	Email Notification		0	
29	11/18/2010		MCTFR	Mail Final Rejection (PTOL - 326)		0	
28	11/15/2010		CTFR	Final Rejection		0	
27	09/10/2010		FWDX	Date Forwarded to Examiner		0	
26	09/08/2010		A...	Response after Non-Final Action		0	
25	08/25/2010		EML_NTR	Email Notification		0	
24	08/25/2010		MEXIN	Mail Examiner Interview Summary (PTOL - 413)		0	
23	08/18/2010		EXIN	Examiner Interview Summary Record (PTOL - 413)		0	
22	06/08/2010		ELC_RVW	Electronic Review		0	
21	06/08/2010		EML_NTR	Email Notification		0	
20	06/08/2010		EML_NTF	Email Notification		0	
19	06/08/2010		PA..	Change in Power of Attorney (May Include Associate POA)		0	
18	06/08/2010	04/19/2009	MCTNF	Mail Non-Final Rejection	415	0.5	
17	06/04/2010		CTNF	Non-Final Rejection		0	
13	11/20/2009		C.ADB	Correspondence Address Change		0	
12	08/20/2009		PG-ISSUE	PG-Pub Issue Notification		0	
11	03/06/2009		C.AD	Correspondence Address Change		0	
10	11/25/2008		DOCK	Case Docketed to Examiner in GAU		0	

9	10/10/2008	FLRCPT.R	Filing Receipt - Replacement	0
8	10/06/2008	APPERMS	Applicants have given acceptable permission for participating foreign	0
7	09/11/2008	OIPE	Application Dispatched from OIPE	0
6	08/20/2008	PGPC	Sent to Classification Contractor	0
5	08/20/2008	FLRCPT.O	Filing Receipt	0
4	08/20/2008	COMP	Application Is Now Complete	0
3	02/21/2008	L194	Cleared by OIPE CSR	0
2	02/19/2008	SCAN	IFW Scan & PACR Auto Security Review	0
1	02/19/2008	IEXX	Initial Exam Team nn	0
0.5	02/19/2008	EFILE	Filing date	0

Export to: Excel

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ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE CA 92614-2558

MAILED

NOV 16 2010

OFFICE OF PETITIONS

In re Application of :

Wu, Fang et al. :
Application No. 12/033,828 : DECISION ON PETITION
Filed: February 19, 2008 : TO WITHDRAW
Attorney Docket No. 16126-4008 : 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 22, 2010.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that acts (1) thru (3) noted in the above-identified certifications have been performed. See PTO/SB/83 (11-08).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **WILLIAM W. SCHAAL**
BLAKEY SOKOLOFF TAYLOR ZAFMAN
3200 PARK CENTER DRIVE
SUITE 700
COSTA MESA CA 92626

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Alexandria, VA 22313-1450
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LAW OFFICE OF ANDREW P. LAHSER, PLC
16824 E. AVENUE OF THE FOUNTAINS
SUITE 14
FOUNTAIN HILLS AZ 85268

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SEP 15 2011
OFFICE OF PETITIONS

In re Application of :
Jolyon Barker et al. :
Application No. 12/033,846 : ON PETITION
Filed: February 19, 2008 :
Attorney Docket No. **07-127** :

This is a decision on the petition filed September 6, 2011, to withdraw the holding of abandonment for the above-identified application. The petition is treated under 37 CFR 1.181.

The petition to withdraw the holding of abandonment is **GRANTED**.

The application was held abandoned for failure to file a timely response to the Final Office Action mailed December 21, 2010, which set a three (3) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed July 6, 2011.

Petitioner asserts that a proper response was mailed on June 21, 2011 with a three month extension of time request and a included a certificate of mail dated June 21, 2011, pursuant to 37 CFR 1.8.

A search of the application file and the USPTO records reveals that in fact, a response in the form of a Request for Continued Examination (RCE) and submission required under 37 CFR 1.114 and a three month extension of time and fee, were timely filed on June 27, 2011, with a June 21, 2011 certificate of mail date, and are of record. In view thereof, the evidence submitted corroborates a timely response to the Final Office Action. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 3689 for processing of the RCE.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

10 AUG 2010

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United States Patent and Trademark Office
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Stevens Law Group
1754 Technology Drive
Suite #226
San Jose CA 95110

In re Application of :
Zhongshi XIE :
Application No.: 12/033,852 :
Filing Date: February 19, 2008 : DECISION ON PETITION
Attorney Docket No.: AFDC-00100 :
For: FORWARD CHANNEL SHARING :
METHOD IN TIME DIVISION :
COMMUNICATION SYSTEM

This decision is issued in response to applicant's "Petition under 37 CFR 1.78(a)" to Accept Unintentionally Delay of Priority Claim dated May 11, 2010 to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 365(c) for the benefit of priority to the prior-filed international application (PCT/CN2006/002253) set forth in the amendment filed with the instant application.

The petition is **DISMISSED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed international application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

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 where there is a question whether the delay was unintentional.

The petition does not comply with item (1) above for the following reason:

Neither an amendment in compliance with 37 CFR 1.121 nor an application data sheet including an appropriate reference to the prior application has been submitted.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet (37 CFR 1.76(a)(5)) or a proper amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298.

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
Legal Examiner
PCT Legal Administration

15 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Stevens Law Group
1754 Technology Drive
Suite #226
San Jose CA 95110

In re Application of :
Zhongshi XIE :
Application No.: 12/033,852 :
Filing Date: February 19, 2008 : DECISION ON PETITION
Attorney Docket No.: AFDC-00100 :
For: FORWARD CHANNEL SHARING :
METHOD IN TIME DIVISION :
COMMUNICATION SYSTEM

This decision is issued in response to applicant's "Petition under 37 CFR 1.78" to Accept Unintentionally Delay of Priority Claim dated August 18, 2010 to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 365(c) for the benefit of priority to the prior-filed international application (PCT/CN2006/002253) set forth in the Application Data Sheet filed with the instant application.

The petition is **DISMISSED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed international application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

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 where there is a question whether the delay was unintentional.

The petition does not comply with item (1) above for the following reason:

The ADS filed with the present petition improperly claims benefit to the PCT application as a foreign priority claim, rather than a domestic benefit claim.[1] Further, the ADS fails to state the relationship of the present application to International Application No. PCT/CN2006/002253 filed September 01, 2006. (See 37 CFR 1.78(a)(2)(i)) The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of International Application No. ---, filed---." A benefit claim that merely states: "This application claims the benefit of International Application No. ---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. See MPEP Section 201.11, Reference to Prior Application.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet (37 CFR 1.76(a)(5)) or a proper amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

No additional petition fee is required.

Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298.

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
Legal Examiner
PCT Legal Administration

[1] The present application was not filed within twelve months of the PCT application, as required for a claim of foreign priority under 35 U.S.C. 119(a).

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Stevens Law Group
1754 Technology Drive
Suite #226
San Jose CA 95110

MAILED

OCT 20 2010

PCT LEGAL ADMINISTRATION

In re Application of :
Zhongshi XIE :
Application No.: 12/033,852 :
Filing Date: February 19, 2008 : DECISION ON PETITION
Attorney Docket No.: AFDC-00100 :
For: FORWARD CHANNEL SHARING :
METHOD IN TIME DIVISION :
COMMUNICATION SYSTEM

This decision is issued in response to applicant's "Petition under 37 CFR 1.78" to Accept Unintentionally Delay of Priority Claim dated September 21, 2010 to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 365(c) for the benefit of priority to the prior-filed international application (PCT/CN2006/002253) set forth in the Application Data Sheet filed with the instant application.

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 application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional applications has been included in an application data sheet, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that 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 applications noted thereon.

A corrected Filing Receipt, which includes the priority claim to the prior-filed international applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Anthony Smith, Attorney Advisor, at (571) 272-3298. 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 2465 for consideration by the examiner of applicant's entitlement to claim benefit of priority to the prior-filed application.

Bryan Lin
Legal Examiner
PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

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JUL 07 2011
OFFICE OF PETITIONS

Paper No.

HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY NY 12203

In re Application of :
Takeshi et al. :
Application No. 12/033,919 :
In re Patent No. 7,895,679 : DECISION ON PETITION
Filing Date: February 20, 2008 : PURSUANT TO 37 C.F.R.
Issue Date: March 1, 2011 : § 3.81(B)
Attorney Docket Number: 2820.007 :
Title: GOGGLES :

This is a decision on the petition pursuant to 37 C.F.R. § 3.81(b), filed April 13, 2011, to correct the Assignee's information on the Issue Fee Transmittal Form PTOL-85(b).

The petition is **DISMISSED.**

Payment of the required $100 certificate of correction fee and the $130 processing fee is acknowledged.

With this petition, Petitioner requests that a Certificate of Correction be issued to correct the assignee information that appears on the face of the patent. Petitioner has requested that the name of the Assignee should be changed from "YAMAMOTO KOGAKU LTD." to "YAMAMOTO KOGAKU CO. LTD."

37 C.F.R. § 3.81(b), effective June 25, 2004, reads:

> (b) After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in 3.11 before issuance of the patent, and must include a request for a certificate of correction under 1.323 of this chapter (accompanied

> by the fee set forth in 1.20(a)) and the processing fee set forth in 1.17(i) of this chapter.

Petitioner has set forth that the assignment was submitted for recordation as set forth in 37 C.F.R. § 3.11 before issuance of the patent, however the Certificate of Correction which Petitioner has included with this petition contains a typographical error: a comma has been omitted. Office records indicate that an assignment was received in the Office on February 20, 2008, listing "Yamamoto Kogaku Co., Ltd." (emphasis added) as the Assignee.

As such, an assignment which lists "YAMAMOTO KOGAKU CO. LTD." was not submitted for recordation prior to the issuance of this patent. It follows that Petitioner has failed to comply with the provisions of this title, and as such, the request cannot be granted. It is clear that the assignment, *as currently written*, was not submitted for recordation as set forth in 37 C.F.R. § 3.11 before the issuance of this patent.

The undersigned attempted to contact Petitioner on July 5, 2011 in an effort to secure the electronic submission of a Certificate of Correction which correctly lists the Assignee, however Petitioner's voicemail indicated that he would be away from his office until July 11, 2011.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 3.81(b)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Any renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[1], hand-delivery[2], or facsimile[3]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[4].

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else

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1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300: please note this is a central facsimile number.
4 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[5].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

5 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY NY 12203

MAILED

JUL 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Takeshi et al.	:	DECISION ON RENEWED
Application No. 12/033,919	:	
In re Patent No. 7,895,679	:	PETITION PURSUANT TO 37
Filing Date: February 20, 2008	:	C.F.R. § 3.81(B)
Issue Date: March 1, 2011	:	
Attorney Docket Number: 2820.007	:	
Title: GOGGLES	:	

This is a decision on the renewed petition pursuant to 37 C.F.R. § 3.81(b), filed July 14, 2011, to correct the Assignee's information on the Issue Fee Transmittal Form PTOL-85(b).

The renewed petition is **GRANTED.**

An original petition pursuant to 37 C.F.R. § 3.81(b) was filed on April 13, 2011, which was dismissed via the mailing of a decision on July 7, 2011.

With this renewed petition, Petitioner requests that a Certificate of Correction be issued to correct the assignee information that appears on the face of the patent. Petitioner has requested that the name of the Assignee should be changed from "YAMAMOTO KOGAKU LTD." to "YAMAMOTO KOGAKU CO., LTD."

37 C.F.R. § 3.81(b), effective June 25, 2004, reads:

> (b) After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in 3.11 before issuance of the patent, and must include a request for a certificate of correction under 1.323 of this chapter (accompanied

> by the fee set forth in 1.20(a)) and the processing fee set forth in 1.17(i) of this chapter.

Petitioner has set forth that the assignment was submitted for recordation as set forth in 37 C.F.R. § 3.11 before issuance of the patent, and Office records confirm that an assignment was received in the Office on February 20, 2008, listing "YAMAMOTO KOGAKU CO., LTD." as the Assignee.

Payment of the required $100 certificate of correction fee and the $130 processing fee is acknowledged.

The Certificates of Correction Branch will be notified of this decision so that the requested Certificate of Correction can be issued, correcting the Assignee information to "YAMAMOTO KOGAKU CO., LTD."

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 756-1814.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

ROCKWELL AUTOMATION, INC./QB)
ATTENTIION: SUSAN M. DONAHUE, E-7F19
1201 SOUTH SECOND STREET
MILWAUKEE WI 53204

MAILED

NOV 03 2010

OFFICE OF PETITIONS

In re Application of :
Russel J. Kerkman et al :
Application No. 12/033,936 : DECISION ON PETITION
Filed: February 20, 2008 :
Attorney Docket No. :
110003.00182.05AB264A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 23, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee. 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**. *See* MPEP 711.03(c)(III)(A)(1). Had the Request for Continued Examination (RCE)/IDS been submitted on or prior to the due date of the issue fee, the filing of the RCE/IDS alone would be a proper response. In this instance the application was abandoned. Therefore, as authorization was provided, the required issue fee of $1510.00 is being charged to deposit account no. 17-0055.

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 fee an RCE and IDS; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed March 26, 2010, is accepted as having been unintentionally delayed.

Petitioner is advised that the issue fee payment 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 undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2863 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/033,989	Filing date:	02-20-2008
First Named Inventor:	Randy Scott Stier		
Title of the Invention:	Heat Transfer Unit For High Reynolds Number Flow		

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/US2008/083483

The international date of the corresponding PCT application(s) is/are: November 14, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/033,989
First Named Inventor:	Randy Scott Stier

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

■ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

■ Are attached.

Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	same scope
2	2	same scope
3	3	same scope
4	4	same scope
5	5	same scope
6	6	same scope
7	7	same scope
8	8	same scope
9	8	ultimately depends from claim 1
10	8	ultimately depends from claim 1
11	9	amended by preliminary amendment to depend from claim 1
12	1	ultimately depends from claim 1
13	1	ultimately depends from claim 1
14	1	ultimately depends from claim 1
15	1	ultimately depends from claim 1
16	1	ultimately depends from claim 1
17	1	ultimately depends from claim 1
18-20	-----	canceled by preliminary amendment

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Maryann Maas/	Date October 1, 2010
Name (Print/Typed) Maryann Maas	Registration Number 38,954

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

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 60/990,902	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/US2008/083483	International filing date *(day/month/year)* 14 November 2008 (14.11.2008)	Priority date *(day/month/year)* 28 November 2007 (28.11.2007)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant UOP LLC		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. 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

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 01 June 2010 (01.06.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Nora Lindner e-mail: pt11.pct@wipo.int

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
UOP LLC

25 EAST ALGONQUIN ROAD P. O. BOX 5017 DES PLAINES IL 60017-5017 USA

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing *(day/month/year)*	**21 MAY 2009 (21.05.2009)**
Applicant's or agent's file reference 60/990,902	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2008/083483	**14 NOVEMBER 2008 (14.11.2008)**	28 NOVEMBER 2007 (28.11.2007)

International Patent Classification (IPC) or both national classification and IPC

F24H 1/20(2006.01)i, F24H 1/00(2006.01)i, F28F 13/00(2006.01)i

Applicant

UOP LLC et al

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR	Date of completion of this opinion	Authorized officer
Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	20 MAY 2009 (20.05.2009)	LEE, TAEK SANG Telephone No.82-42-481-5492

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2008/083483

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-10	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-10	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: US 03572296 A (CARSON, DON B. et al.) 23 March 1971
D2: US 06044837 A (HARRY ARTHUR TYLER) 04 April 2000
D3: US 05820360 A (BROACH, GEORGE C.) 13 October 1998
D4: JP 07-091743 A (MITSUBISHI KAKOKI KAISHA LTD) 04 April 1995
D5: KR 10-2005-0088616 A (JU, YOUNG IL) 07 September 2005

1. Novelty and Inventive Step

The subject matter of claim 1 differs from these prior art documents in that a heat transfer system(10) for heating process fluids comprising ; one or more conduit(14) sized to accept a process fluid flowing therethrough at a Reynolds Number of as least 275,000, one or more ridges(30) formed on a portion of the inner surface(32) of each conduit. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination.

Therefore, claim 1 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 2-10 are dependant on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3).

2. Industrial Applicability

Claims 1-10 are industrially applicable under PCT Article 33(4).

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2008/083483

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of :

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into _____ , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:

   a. type of material
   - ☐ a sequence listing
   - ☐ table(s) related to the sequence listing

   b. format of material
   - ☐ on paper
   - ☐ in electronic form

   c. time of filing/furnishing
   - ☐ contained in the international application as filed.
   - ☐ filed together with the international application in electronic form.
   - ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additioanl copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

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International Bureau

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(74) Agent: **UOP LLC**; 25 E. Algonquin Road, P.O. Box 5017, Des Plaines, IL 60017-5017 (US).

(81) Designated States *(unless otherwise indicated, for every kind of national protection available)*: AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW.

(84) Designated States *(unless otherwise indicated, for every kind of regional protection available)*: ARIPO (BW, GH, GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MT, NL,

[Continued on next page]

(54) Title: HEAT TRANSFER UNIT FOR HIGH REYNOLDS NUMBER FLOW

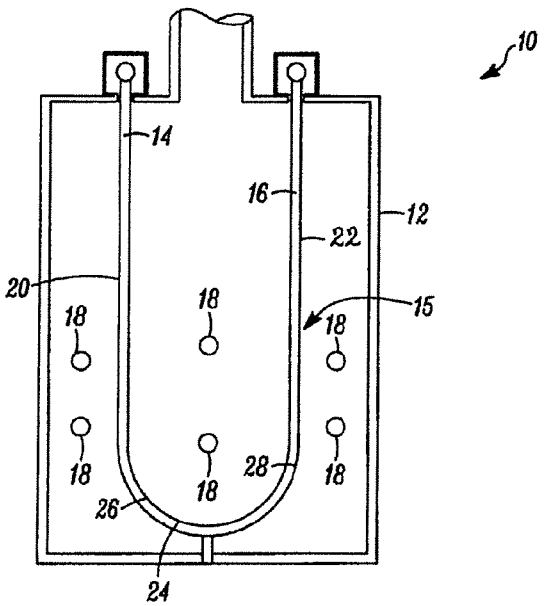

FIG. 1

(57) Abstract: In one aspect, a heat transfer unit (10) is provided for increasing the temperature of process fluids (16), such as gas-phase fluids, having a Reynolds Number (RE) of at least about 275,000 with a low overall pressure drop and without exceeding the wall temperature limits of the material used to construct the heater (10). The heater (10) generally includes a heater conduit (14) having the gas phase fluid flowing therethrough and a heat source (18), such as a radiant heat source, providing an inconsistent or variable heat flux along a length of the heater conduit where the heat source (18) has a peak heat flux greater than an average heat flux.

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NO, PL, PT, RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

Published:

— *with international search report*

— *before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments*

HEAT TRANSFER UNIT FOR HIGH REYNOLDS NUMBER FLOW

BACKGROUND

[0001] The field relates to heat transfer of fluids and, more particularly, to heat transfer of gas-phase fluids at high Reynolds Numbers.

[0002] In the oil refining and petrochemical industries, heat transfer units are commonly used to raise the temperature of a gas, liquid, or other multi-phase fluid to higher temperatures as required for a variety of downstream processing operations. Depending on the process and the heat transfer needs, the heat transfer unit can be a heat exchanger, boiler, fired heater, or other accepted heat transfer systems. In such systems, it is common for an input fluid of a lower temperature to be heated to a higher temperature by passing the fluid through a tube, between plates, or through other conduits where an external heat source applies a heat flux (which often is expressed as the rate of heat transfer per unit area) across the conduit in order to raise the temperature of the fluid flowing therein. In such systems, the heat transfer occurs through conductive heating, convective heating, radiant heating, or a combination of conductive, convective, and radiant heating, as well as other heat transfer mechanisms. Convective heat transfer generally involves a thermal energy exchange between a surface and a moving fluid. Conductive heat transfer typically involves the transfer of thermal energy through a solid or liquid from a region of high temperature to a region of low temperature. Radiant heat transfer is the transfer of thermal energy by radiation from a surface or other source.

[0003] In conventional heat exchangers or boilers, for example, the heating medium is provided at a relatively consistent flow along the length of conduit in the heat exchanger so that a relatively consistent heat transfer is obtained along the entire length of conduit. Such systems typically provide a relatively consistent heat flux along the length of the conduit, and fluctuations in the heat flux are preferably minimized. In other cases, such as in a fired heater for example, the tubing or conduit of the furnace extends through a heater box containing one or more burners therein to provide a radiant heat source to increase the temperature of the fluid flowing through the tubing. In these radiant heating systems, the radiant heat flux can vary substantially along the length of heater tubing so that a relatively inconsistent heat

transfer occurs along the length of tubing. A peak radiant heat flux generally occurs along the tubing closest to the radiant heat source and the heat flux decreases the farther the tubing is from the heat source.

[0004] Often a fired heater is required to heat the gas, liquid, or other multi-phase fluid to temperatures of 537°C (1000°F) or greater, which requires a relatively high heat flux to be applied to the heater coil. In such instances, due to the high heat flux, particularly at those portions closest the heat source, the coils are commonly fabricated from materials capable of withstanding high temperatures, which are often exotic metal alloys such as chromium-molybdenum steels and certain stainless steels. While these materials have the capability to withstand continuous high temperatures, they typically are expensive and have low thermal conductivity that imparts additional challenges into the fired heater design.

[0005] In fired heater designs, it is generally desirable to minimize the pressure drop through the process heater. In some instances, the allowable pressure drop is so low that it is necessary to design process heaters with a low mass velocity in order to minimize the pressure drop through the heater tubing. The low mass velocity, however, can result in a reduced convective heat transfer coefficient, which may cause a large temperature rise across a relatively stagnant boundary film at the inside diameter of the tube. A large temperature rise across this boundary film tends to cause an increase in the tube wall temperature (TWT), which can result in a TWT that exceeds design limits of the tube metallurgy. Increasing the tube surface area, typically by increasing the tube length to reduce TWT, results in a greater pressure drop through the heater, which may require a further reduction of the mass velocity. Decreasing the mass velocity rate further results in a corresponding reduction in the heat transfer coefficient, which can increase the TWT further. As a result, heat transfer units for fired heater applications typically require multiple heating coils with a long length providing a sufficiently large surface area requiring substantial amounts of expensive materials (especially in high temperature circumstances) resulting in a process heater with a significant capital cost.

[0006] In conventional, tubular exchanger systems, heat transfer to the fluid may be improved using internal ribs, ridges, and/or grooves on the internal surfaces of tubes in order to increase the inner tube surface area. This provides increased heat transfer by conduction through the ribs, ridges, and/or grooves into the fluid core in addition to the heat transfer by

convection via the flowing fluid. In systems using such ribs, ridges, and/or grooves, the flow regime in such systems typically are operated under conditions having a Reynolds Number (RE) less than 250,000 and in some cases, much less than 100,000. In such low RE flow regimes, applying internal ribs, ridges, and/or grooves can provide advantages to heat transfer, and generally the pressure drop through the tube due to the ribs, ridges, and/or grooves is not a significant concern due to the low velocities and relatively low levels of turbulence in the flow.

[0007] On the other hand, applying prior rib, ridge, and/or groove configurations to heat transfer units configured to operate at flow regimes having a high RE of 250,000 or higher, such as a fired heater for catalytic naphtha reforming, generally results in a tube configuration with little or no advantage in heat transfer over a smooth walled tube equivalent. Such designs typically produce a significant pressure drop penalty associated with the ribbing, ridging, and/or grooving inside the tube due, among other factors, to the increased frictional contact between the fluid flow and the increased surface of the tube. In general, as the RE increases, the ratio of axial heat transfer from convection between ribs, ridges, and/or grooves relative to the radial heat transfer from conduction through the ribs, ridges, and/or grooves also increases. Such correlation indicates, as the RE increases in such systems, that there is a decreasing ability of the ribbing, ridging, and/or grooving to provide a benefit to the overall heat transfer via conduction relative to the heat transfer via convection. Accordingly, at such high RE ranges, it is generally understood that an internally ridged tube tends to exhibit the heat transfer performance of a bare tube equivalent (i.e., little improvement in heat transfer), and, at the same, time results in an undesirable increased pressure drop penalty. Thus, the heater tubes in a heat transfer unit operating at RE of 250,000 or greater commonly do not include internal ribbing, ridging, and/or grooving because such structures provide little or no benefit to the heat transfer properties of the system and they produce pressure drop penalties and added capital cost.

[0008] Several studies have been reported of internal-axially-ridged tubes with empirical correlations for heat transfer and friction factor between the tube surface and the fluid flow. In one study, Kim and Webb suggested that an empirical correlation by Carnavos is the best available correlation for turbulent flow in axial and helical internally ridged tubes based on reliable data for air, water and water-glycol mixtures. (N. Kim and R. L. Webb, "Analytic

Prediction of the Friction and Heat Transfer for Turbulent Flow in Axial Internal Fin Tubes," *Journal of Heat Transfer*, Vol. 115 (1993), pp. 553-559 and T. C. Carnavos, "Heat Transfer Performance of Internally Finned Tubes in Turbulent Flow," *Heat Transfer Engineering*, Vol. 1 (1980), pp. 32-37.) However, the range of Carnovos' data was limited to Prandlt Number (PR) of $0.7 \leq Pr \leq 30$ and Reynolds Number (RE) of $10{,}000 \leq Re \leq 100{,}000$. Such studies, therefore, provide little guidance for designing fired heaters in a RE flow regime of 250,000 or greater.

[0009] In a fired heater configured for high temperatures and high RE, such as a fired heater for catalytic naphtha reforming, the heater configuration generally cannot be determined by only considering ridge configuration and process flow conditions. In many instances, configurations that may result in efficient heat transfer, low pressure drop, and satisfactory tube wall temperatures will also require long tube lengths or other designs that result in substantial amounts of expensive, exotic metals to construct suitable heaters for industrial use. As a result, a heater design that generally cannot provide improved heat transfer and decreased pressure drop for less material than an equivalent non-ridged heater is not desirable from a design or manufacturing standpoint. Such considerations are generally in contrast to the design of traditional steam boilers or heat exchangers at low RE and using more common materials, which do not result in a substantially negative effect to increased length and/or mass of the heater tubes.

SUMMARY

[0010] In one aspect, a heat transfer unit ("heater") is provided for increasing the temperature of process fluids, such as gas-phase fluids, having a Reynolds Number (RE) of at least 275,000. The heater includes a conduit having the process fluids flowing therethrough and a heat source, such as a radiant heat source, providing an inconsistent heat flux along a length of the conduit where the heat source has a peak heat flux greater than an average heat flux. The conduit also includes one or more ridges formed on a portion of a conduit inner surface where the heater conduit with the ridges is effective to increase the temperature of the process fluid with a relatively low overall pressure drop and without exceeding a wall temperature limit of the material used to construct the conduit.

[0011] In another aspect, the ridges have configurations including selected parameters that are effective at such high RE conditions to improve (relative to a non-ridged conduit) the overall heat transfer ability of the conduit, without significantly increasing the overall pressure drop through the conduit (relative to a non-ridged conduit), and to maintain a wall temperature below the design limits of the conduit materials. Such conduit configurations are capable of achieving these results at RE conditions where it was previously believed ridging would not provide sufficient benefit in view of heat transfer, pressure drop, and cost considerations. At the same time, the conduit designs herein also preferably allow for a reduction in the quantity of conduit material required (relative to a non-ridged conduit) to achieve such advantages. In such aspect, the conduits herein have a shorter length or fewer coils than a non-ridged conduit heating substantially the same process fluid to substantially the same bulk temperature with substantially the same overall pressure drop and (even with less surface area of the conduit) without exceeding the wall temperature design limits of the materials used to design the heater.

[0012] In another aspect, the conduit has a configuration including one or more internal ridges having selected parameters that are effective to raise the temperature of the gas-phase fluid preferably flowing at RE of 275,000 to 1,000,000 and, most preferably, at RE of 300,000 to 500,000 through tubes or other conduit within the heater to temperatures of 537°C (1000°F) or higher. In one such aspect, the conduit's configuration of ridging is also effective to limit the overall pressure drop through the conduit to 27 kPa (4 psi) or less.

[0013] In another aspect, the conduit further has a configuration that is also capable of minimizing the temperature rise across a relatively stagnant boundary film at the inner surface of the conduit so that a wall temperature of the heater conduit does not exceed the design limits of the material used to construct the conduit, which in one instance is 635°C (1175°F) or less. It will be appreciated, of course, that the conditions will vary depending on the fluids, conduit materials, heat source, and other variables. The reduction in the boundary film temperature is believed to be a result of a conduit configuration that is effective to reduce a temperature differential between the bulk gas fluid and the inside conduit wall while achieving the desired heat transfer and pressure drop requirements at the same time.

[0014] In yet other aspects, the conduit configuration includes the one or more ridges formed on at least a portion of the conduit inner surface adjacent to or corresponding to

regions of highest heat flux. In such aspect, the ridges have selected parameters that generally define a preferred shape, size, length, and spacing thereof that are effective so that the conduit generally has a greater heat flux to the gas-phase fluid and substantially the same overall pressure-drop compared to the conduit without internal ridges having substantially the same gas-phase fluids flowing therethrough. The selected ridging configurations also have been discovered to provide these heat transfer and pressure drop advantages even at RE greater than 275,000 where previously it was thought little or no benefit would be obtained from the conductive heat transfer effects of the ridges.

[0015] In still another aspect, the conduit is preferably constructed of materials capable of withstanding the tube wall temperature (TWT) design limits so that the bulk fluid can be heated to temperatures of 537°C (1000°F) or greater. In such aspect, the materials are preferably metallic alloys capable of meeting the temperature requirements with a relatively low thermal conductivity, for example, 16 Btu/hr/ft/°F or less, and can have a relatively high cost. In this aspect, the preferred conduit configurations herein include an internal ridge configuration that is effective to provide improved heat transfer (relative to a non-ridged or substantially smooth inner walled or bare tube equivalent) to achieve temperatures of 537°C (1000°F) and without exceeding the TWT limits for a gas-phase, RE flow regimes of at least 275,000 that also provide for a reduced amount of heater material (relative to a bare tube equivalent) at a substantially fixed pressure drop and a substantially fixed inside wall temperature limit.

BRIEF DESCRIPTION OF THE DRAWINGS

[0016] FIG. 1 is a schematic view of an exemplary heat transfer unit;

[0017] FIG. 2 is a cross-sectional view of an exemplary internally ridged conduit for use in the heat transfer unit of FIG. 1;

[0018] FIG. 3 is a partial, cross-sectional view of one exemplary internal ridge;

[0019] FIG. 4 is a partial, cross-sectional view of the tip of an exemplary internal ridge;

[0020] FIG. 5 is a chart of McEligot's Run 52 relative to a computational fluid dynamics (CFD) simulation of static pressure;

[0021] FIG. 6 is a chart of McEligot's Run 52 relative to a CFD simulation of inside wall temperature;

[0022] FIG. 7 is a chart of a delta temperature ratio against a delta pressure ratio for a CFD screening assuming 100 percent of the conduit length is ridged;

[0023] FIG. 8 is a chart of tube cost ratio of a CFD screening test assuming 50 percent of the conduit length being ridged;

[0024] FIG. 9 is a chart of a delta temperature ratio against a delta pressure ratio for a CFD simulation of ridge geometry 6 at various RE;

[0025] FIG. 10 is a chart of a delta temperature ratio against a delta pressure ratio for a CFD simulation of ridge geometry 6 at various heat flux rates;

[0026] FIG. 11 is a chart of tube cost ratio of ridge geometry 6 for 15 percent of the heater conduit length ridged at various RE;

[0027] FIG. 12 is a chart of a delta temperature ratio against a delta pressure ratio for a CFD screening assuming 100 percent of the conduit length being ridged for group I of ridge geometries;

[0028] FIG. 13 is a chart of a delta temperature ratio against a delta pressure ratio for a CFD screening assuming 100 percent of the conduit length being ridged for group II of ridge geometries; and

[0029] FIG. 14 is a chart of a delta temperature ratio against a delta pressure ratio for a CFD screening assuming 100 percent of the conduit length being ridged for group III of ridge geometries.

DETAILED DESCRIPTION

[0030] Turning to FIGS. 1 through 4, an exemplary heat transfer unit or heater 10 is illustrated in the form of a process furnace or fired heater that is effective to increase the temperature of a process fluid at Reynolds Number (RE) of at least 275,000 that provides improved heat transfer at a substantially fixed pressure drop and a substantially fixed tube wall temperature (TWT) relative to prior heater designs at such high RE. In one aspect, the heater 10 includes a heater box 12, a conduit 14 extending through the heater box 12 and through which a process fluid 16 flows, and one or more heat sources 18 within the heater box 12. In one system, the one or more heat sources 18 are burners whose flames provide a radiant heat flux, which generally provides a variable or inconsistent heat flux, along the length of the conduit 14. This variable heat flux can provides a peak radiant heat flux

adjacent the burners 18 with a decreasing heat flux the farther the conduit is from the burner 18. In some systems, the peak radiant heat flux can be up to three times greater (in many cases 1.5 times greater) than the average heat flux; however, the peak and average heat flux generally varies depending on the particular application and various heat transfer needs of the fluids.

[0031] In another aspect, the process fluid can include any hydrocarbonaceous stream such as, but not limited to, gas-phase hydrocarbonaceous streams, liquid-phase hydrocarbonaceous streams, and mixtures thereof. In yet another aspect, the process fluid inside the conduit 14 is preferably a gas-phase hydrocarbonaceous fluid including, for instance, a combination of light hydrocarbons and hydrogen having a Prandtl Number (PR) of 0.8 or less. In one form, the heater may be arranged and configured as a fired heater for a catalytic naphtha reforming unit. However, the conduit configurations provided herein may also work on other fluids, other RE flow regimes, other PR fluids, and with other downstream operations.

[0032] In yet another aspect, the heater is capable of increasing the temperature of the gas phase fluid flowing through the conduit 14 to temperatures of 573°C (1000°F) or greater. To achieve such temperatures, a radiant heat flux of up to 100,000 Btu/hr/ft^2 (in some cases 20,000 to 100,000 Btu/hr/ft^2) is generally required from the burners 18. With such high temperatures and heat fluxes, the conduit 14 is preferably constructed of sufficient amounts of materials capable of withstanding such temperatures. Examples of suitable materials include 9Cr-1Mo and/or 347H stainless steel; however, other materials meeting the temperature requirements may also be used. As discussed above, such materials generally have a thermal conductivity of 16 Btu/hr/ft/°F, but such thermal conductivity may vary depending on the particular materials used.

[0033] As shown in FIG. 1, one configuration of the conduit 14 includes a generally U-shaped configuration formed from a pair of substantially straight leg portions 20 and 22 and a curved portion 24 connecting end portions 26 and 28 of the respective leg portions 20 and 22. While FIG. 1 shows only a single U-shaped conduit 14, it will be appreciated that conduit 14 may also include a plurality of U-shaped conduits 14 linked together in series or in parallel and/or may also include conduits, tubes, or other cavities of various shapes, sizes, and configurations as needed for a particular application.

[0034] In another aspect, the conduit 14 includes one or more internal ridges 30 as generally illustrated in FIGS. 2 through 4. As discussed above, the ridges 30 have a configuration that includes selected parameters that are effective to provide the desired heat transfer, pressure drop, material requirements, and TWT benefits mentioned above. In such aspect, the conduit 14 is formed by an annular wall 31 enclosing an internal flow cavity 33 through which the gas-phase fluid flows. In this aspect, the ridge 30 is shown as a generally tapered, protruding finger extending a predetermined distance into the conduit cavity 33 from an internal surface 32 of the conduit annular wall 31. In the particular embodiment of FIG. 2, the conduit 14 includes 15 equally spaced ridges 30 the internal surface 32 of the conduit. It will be appreciated, however, that the conduit 14 may also have varying numbers of the ridges 30 and/or spacing thereof depending on the particular application, material, and heat transfer needs. For instance, the conduit may have non-uniform spacing, ridging on only one side, and other non-symmetrical configurations of the ridges.

[0035] As best shown in FIGS. 3 and 4, exemplary configurations of the ridge 30 are illustrated. In this form, the ridge 30 generally includes spaced side walls 35 that taper towards each other as they extend away from the side wall 32 into the conduit cavity 33. A distal end wall 37 of the ridge 30 has curved transition regions 39 between the side walls 35 and the distal end wall 37 that provide for a smooth transition between the side and tip of the ridge. Between the side wall 35 and conduit inner wall 32, generally curved corners 41 are also included to provide a smooth transition to the inner wall 32. While not intending to be limited by theory, it is believed that the smooth transitions 39 and 41 are effective to prevent the formation of crevices that could lead to crack formation.

[0036] Referring to Table 1 below and FIGS. 3 and 4, additional details of exemplary ridges 30 are summarized. In such additional aspects, each ridge 30 can also be defined by a pie angle α that relates to the number of ridges 30 spaced the internal surface 32 (i.e., number of ridges equals 360/pie angle), a base angle β that relates to the taper between the side walls 35, and a side wall angle γ that relates to the angle of inclination between the side wall and a radial axis 43. In addition, the ridges 30 may further be defined by a ratio of ridge height 34 to radius length 36, a tip radius curvature 38, a base radius curvature 40, and a total wall cross-sectional area through a section of the conduit with the ridges (unless otherwise specified). Such a cross-section is generally shown in FIG. 2. The cross-sectional area may

be calculated as the cross-sectional area of tube wall combined with the cumulative cross-sectional area of each ridge. Of course, the ridges 30 can also be defined by other parameters.

[0037] Table 1: Exemplary Ridge Parameters

Ridge Geometry Number	Pie Angle	Number of Ridges	Base Angle	Height-to-Radius Ratio	Tip Fillet Radius, inches	Base Fillet Radius, inches	Total Wall Outlet CSA, $inch^2$
Bare	-	-	-	-	-	-	0.010060
1	24	15	4	41.9	0.00050	0.00050	0.011330
2	24	15	12	41.9	0.00050	0.00050	0.013952
3	40	9	6.667	52.4	0.00050	0.00050	0.011489
4	24	15	4	27.9	0.00050	0.00050	0.010971
5	20	18	2	30.0	0.00050	0.00050	0.010638
6	24	15	4	22.0	0.00050	0.00050	0.010795
7	24	15	2	35.0	0.00050	0.00050	0.010593
8	40	9	3.4	52.4	0.00050	0.00050	0.010842
9	60	6	15	78.5	0.00050	0.00050	0.012853
10	36	10	2.3	45.6	0.00050	0.00050	0.010507
11	24	15	4	20.9	0.00050	0.00050	0.010763
12	24	15	1	60.0	0.00010	0.00050	0.010440
13	60	6	6.667	69.8	0.00050	0.00050	0.011233
14	45	8	22.5	30.0	0.00700	0.00700	0.013100
15	45	8	2	45.0	0.00050	0.00050	0.010403
16	24	15	4	14.0	0.00050	0.00050	0.010535
17	30	12	3.333	17.5	0.00050	0.00050	0.010460
18	24	15	12	3.5	0.00050	0.00050	0.010158
19	60	6	6.667	34.9	0.00050	0.00050	0.010793
20	9	40	3	5.2	0.00050	0.00050	0.010458
21	6	60	1	3.5	0.00010	0.00025	0.010195
22	6	60	3	2.6	0.00050	0.00050	0.010364
23	6	60	3	10.5	0.00050	0.00050	0.011233
24	6	60	1	0.9	0.00010	0.00010	0.010092
25	6	60	3.9	9.8	0.00050	0.00050	0.011488

[0038] In one aspect, as described in Examples 2 and 3 below and FIGS. 7 and 8, ridge geometries 6, 16, 17, and 18 of Table 1 and, preferably, ridge geometry 6 of Table 1, were estimated as being configured to minimize the amount of material needed to form the conduit 14 (i.e., cross-sectional areas and/or conduit length) and at the same time still be effective to increase the temperature of a gas-phase fluid with an improved heat transfer at substantially the same overall pressure drop as a conduit without internal ridging having the same gas-phase fluid flowing therethrough. At the same time, the conduit 14 with the ridging 30 is

also effective to maintain a TWT below the design limits of the materials selected to form the conduit, such as a conduit formed from 9Cr-1Mo with a TWT design limit of 635°C (1175°F).

[0039] In other aspects, the ridges 30 are generally parallel to each other and continuously extend along a longitudinal axis of the conduit 14 for only a predetermined portion or length of the conduit, such as a portion 15 (FIG. 1) of the conduit 14 subjected to the peak radiant heat flux. For instance, ridge geometry 6, when disposed on 15 to 50 percent of the axial length of the heater conduit, is particularly effective to provide greater heat transfer and substantially the same overall pressure drop as a bare tube equivalent while at the same time permitting the heater conduit to be formed from a shorter length and/or less material without exceeding the TWT. In such aspect, the ridges 30 can extend a distance along the axial length of the heater conduit corresponding to the peak radiant heat flux, which can be, in some instances, up to three times greater than the average heat flux. Preferably, the ridges 30 are positioned on the conduit longitudinal axes to correspond to the peak radiant heat flux and also a predetermined distance upstream and downstream from the peak flux. In one aspect, the distance the ridges 30 extend along the axial length of the conduit generally correspond to 35 to 50 percent of the axial length of one leg portion 22 (i.e., the outlet leg portion).

[0040] As generally shown in FIG. 2, it is preferred that the ridges 30 extend continuously along the longitudinal axis of the heater tube or at least the portion thereof. By one approach, the ridges 30 are preferably equally spaced the internal surface 32 and extend parallel to each other along the longitudinal axis of the conduit. While not wishing to be limited by theory, it is believed that such configuration aids in the minimization of pressure drop through the heater. It will be appreciated, however, that the conduit 14 may also have varying numbers of ridges 30 and/or the spacing between the ridges may be non-uniform.

[0041] Additional advantages and embodiments of the heater and conduit configurations described herein are further illustrated by the following Examples. However, the particular conditions, flow schemes, materials, and amounts thereof recited in the Examples, as well as other conditions and details, should not be construed to unduly limit the conduit configurations described above and claimed. All percentages are by weight unless otherwise indicated.

EXAMPLES

[0042] Pressure drop and heat transfer for gas phase fluids flowing through an externally heated bare tube and internally-axial-ridged tube were modeled using computational fluid dynamics (CFD) software licensed from ANSYS. A preprocessing step was done with GAMBIT version 2.3.16. Processing and post-processing were done with FLUENT version 6.2.16. During the processing step, FLUENT's radiation model was not utilized. Turbulent properties in the fully turbulent region were calculated using the so-called realizable k-epsilon eddy viscosity model proposed by Shih et al. (T. Shih et al., "A New *k*-ε Eddy Viscosity Model for High Reynolds Number Turbulent Flows," *Computer Fluids*, Vol. 24 (1995), pp. 227-238.) The "cmu rotation" term in the k-epsilon eddy viscosity model was excluded by default. Turbulent properties in the near-wall region were calculated using FLUENT's enhanced wall treatment approach for compressible flow with heat transfer and pressure gradients. FLUENT's enhanced wall treatment approach assumes no slip at the wall. While certain software described above was used in this and the following examples, other CFD software may also be used.

EXAMPLE 1

[0043] To verify the CFD methodology, studies were first completed to compare CFD results with the experimental lab data in McEligot (D. M. McEligot, "Effect of Large Temperature Gradients on Turbulent Flow of Gases in the Downstream Region of Tubes," Diss. Standford University (1963), Ann Arbor UMI (1963)), which provided experimental data for air flowing through a bare Hastelloy® X Alloy tube with a 0.1228 inch inside diameter and a 0.1670 inch outside diameter. In McEligot's study, the first three inches of the tube were unheated. Starting at the third inch, McEligot provided a relatively constant heat flux to the outside diameter of the tube. During McEligot's run number 52, air flowed through the tube at a Reynolds number of 130,180 (based on average bulk properties over the interval between 7.178 inches and 8.676 inches from the tube's inlet) and McEligot provided a relatively constant heat flux of 113,000 to 115,000 Btu/hr/sqft to the outside diameter of the tube. From the data McEligot measured, McEligot was able to calculate the inside tube wall temperature at various positions along the length of the tube.

[0044] To validate the CFD methodology used in the following Examples, a 3D model of the first 8.676 inches of McEligot's tube was constructed. Air properties were entered into FLUENT in the form of polynomials fit to air physical property data tabulated by McEligot at p. 167 of his thesis. Heat capacity and density data for Hastelloy X Alloy were provided by HAYNES International (H-3009A). Tube density was assumed to have a constant value of 513.216 pounds mass per cubic foot. The correlation for the tube's thermal conductivity correlation was taken from McEligot's appendix (p. 182) with the typographical error corrected such that the equation reads as shown in Equation A.

$$k = 5.10 + 0.00622\,t \qquad \text{A}$$

[0045] The static pressure profile predicted by the CFD model for air flowing through a bare tube is in excellent agreement with McEligot's Run 52 data (see FIG. 5). Based on data collected between 7.178 inches and 8.676 inches from the tube's inlet, McEligot calculated a friction factor of 0.00407 in the manner of Humble et al. (see McEligot, pp. 58 and 148). Using the same approach (Equations C through F of Humble et al., pp. 346-347), a friction factor of 0.00387 was calculated from CFD simulation results (see Table 2). The CFD based friction factor is 95 percent of the friction factor McEligot calculated from his laboratory data and 95 percent of the friction factor of 0.00407 calculated using the adiabatic friction factor equation of Koo (Equation H, Koo, reported by McAdams on p. 155) for long smooth pipes with the temperature correction factor of McEligot et al. (Equation I, McEligot, Magee and Leppert, p. 71) applied.

[0046] Multiplying the CFD simulation based friction factor by four and applying the inverse of Equation I gives a Moody based friction factor of 0.0163. Cross-referencing this friction factor with the Reynolds number of 130,180 (based on average bulk properties over the interval) against Moody's friction factor chart (L. F. Moody, "Friction Factors For Pipe Flow," *Transactions of the American Society of Mechanical Engineers*, Vol. 66 (1944), pp. 671-678), it is seen that McEligot's Run 52 was conducted in the transition flow region.

$$D = \frac{4 \cdot A}{p} \qquad \text{B}$$

$$G = \frac{m}{A} \qquad \text{C}$$

$$\Delta P_{friction} = (p_1 - p_2) - \frac{G^2 \cdot R_{air}}{g} \cdot \left(\frac{t_{bulk\_2}}{p_2} - \frac{t_{bulk\_1}}{p_1} \right) \quad \text{D}$$

$$\rho_{avg} = \frac{1}{R_{air}} \cdot \left(\frac{p_1 + p_2}{t_{bulk\_1} + t_{bulk\_2}} \right) \quad \text{E}$$

$$f = \frac{g \cdot \rho_{avg} \cdot \Delta P_{friction}}{2 \cdot \frac{L}{D_i} \cdot G^2} \quad \text{F}$$

$$Re = \frac{4 \cdot m}{\pi \cdot \mu \cdot D} \quad \text{G}$$

$$f_{smooth\_tube\_adiabatic} = 0.00140 + \frac{0.125}{Re^{0.32}} \quad \text{H}$$

$$f_{corrected} = f_{adiabatic} \left(\frac{t_{id}}{t_{bulk}} \right)^{-0.1} \quad \text{I}$$

[0047] Table 2: Friction Factor Data from CFD Simulation of McEligot's Run 52

Property	Units	CFD Results
Inside Radius	inch	0.0614
Wetted perimeter	ft	3.215 e-2
Flowing Cross-Sectional Area	ft^2	8.255 e-5
Inside Diameter	ft	1.023 e-2
Mass Flow Rate	lb_m/hr	54.98
Mass Velocity (Eq C)	lb_m/ft^2	668,468
Static Pressure at 7.178 inches	lb_f/ft^2	31482
Static Pressure at 8.676 inches	lb_f/ft^2	31271
Static Bulk Temperature at 7.178 inches	°R	650
Static Bulk Temperature at 8.676 inches	°R	697
Friction Pressure Drop (Eq D)	lb_f/ft^2	115.85
Average Bulk Density (Eq E)	lb_m/ft^3	0.8736
Friction Factor (Eq F)	- -	0.00387
Adiabatic Friction Factor	- -	0.00407

Property	Units	CFD Results
4 x Adiabatic Friction Factor (Moody basis)	- -	0.0163
Average Bulk Viscosity	$lb_m/ft/hr$	5.255 e-2
Average Reynolds Number (Eq G)	- -	1.302 e+5
Flow Regime from Moody's Chart (Laminar, Transition, Fully Turbulent)	- -	Transition
Adiabatic Smooth Tube Friction Factor (Eq H)	- -	0.00429
Temperature Corrected Smooth Tube Friction Factor (Eq I)	- -	0.00407

[0048] The slope of the CFD simulation inner tube wall temperature ("TWT") profile is similar to the slope of the TWT profile reported by McEligot for his Run 52 experiment (see FIG. 6). At 8.676 inches from the tube inlet, the difference between the inner TWT and the bulk temperature from CFD simulation results is 93 percent of that reported by McEligot. As a result, the local inside heat transfer coefficient calculated at the same position via Equation J (R. B. Bird et al., *Transport Phenomena*, Wiley, New York, 1960, p. 391) from the CFD simulation results is 108 percent of the coefficient calculated from McEligot's Run 52 data (see Table 3). Similarly, the Stanton number (R. B. Bird et al., *Transport Phenomena*, Wiley, New York, 1960, p. 402) and Nusselt number calculated from CFD simulation results are both 108 percent of the values calculated from McEligot's Run 52 data. Both the Stanton number calculated from McEligot's data and the Stanton number calculated from the CFD simulation results are on the order of 80 percent of the Stanton number for turbulent flow in smooth pipes with constant heat flux (R. B. Bird et al., *Transport Phenomena*, Wiley, New York, 1960, p. 402 and FIG. 13.2-2 therein). As a result, the Nusselt number calculated from McEligot's data agrees with the Nusselt number calculated from McEligot's Nusselt number correlation (Equation O), while the Nusselt number calculated from CFD simulation results is 105 percent of the value calculated from McEligot's Nusselt number correlation.

[0049] Considering the closeness of fit between calculated and measured friction factor and between calculated and measured Nusselt number, the CFD simulation methodology was deemed sufficient.

$$h_{loc\_2} = \frac{q''}{t_{id\_2} - t_{bulk\_2}} \cdot \frac{0.1670}{0.1228} \qquad J$$

[0050] In Equation J, the inside diameter basis heat flux has been replaced by the outside diameter heat flux. The right-hand side of Equation J has been multiplied by the ratio of the outside-to-inside diameters to compensate.

$$Pr = \frac{C_p \cdot \mu}{k} \qquad K$$

$$St = \frac{h}{C_p \cdot G} \qquad L$$

$$Nu = St \cdot Re \cdot Pr \qquad M$$

$$Nu = \frac{h \cdot D_i}{k} \qquad N$$

$$Nu = 0.021 \cdot Re^{0.8} \cdot Pr^{0.4} \cdot \left(\frac{t_{bulk}}{t_{id}}\right)^{0.5} \cdot \left[1 + \left(\frac{x}{D}\right)^{-0.7}\right] \qquad O$$

[0051] Table 3: Heat Transport Properties Calculated at 8.676 Inches from the Tube Inlet for Both McEligot's Run 52 Data and from the CFD Simulation of McEligot's Run 52

Property	Units	McEligot's Run 52 Data	CFD Results
Inside TWT at 8.676 inches	°R	1178	1143
Static Bulk Temperature at 8.676 inches	°R	697	697
Heat Flux, Inside Diameter Basis	$Btu/hr/ft^2$	113,385	
Local Inside Heat Transfer Coefficient	$Btu/hr/ft^2/°R$	320.6	346.0
Specific Heat Capacity at Constant Pressure	$Btu/lb_m/ft^3$	0.2429	
Thermal Conductivity	Btu/hr/ft/°R	0.01893	
Prandtl Number	- -	0.6920	
Stanton Number	- -	0.00197	0.00213
Stanton Number for Turbulent Flow in Smooth Pipes with Constant Heat Flux	- -	0.0026	
Reynolds Number	- -	126,896	
Nusselt Number (Eq M)	- -	173.2	187.0
Nusselt Number (Eq O)	- -	177.2	179.9

EXAMPLE 2

[0052] Twenty five different ridge geometries were then evaluated by re-simulating McEligot's Run 52 twenty five times in 3D, using a different ridge geometry each time. The air flow rate, the heat flux to the outside diameter of the heated section, the outlet static bulk temperature, the outlet static pressure, and tube length where kept the same as in McEligot's Run 52. The radial heat flux to the heated section was set at 111,460.5 $Btu/hr/ft^2$ (outside diameter basis).

[0053] To save on processing time, only the first four inches of the tube were simulated (three inches unheated and one inch heated). The ridge geometry for each simulation is provided in Table 4 below and the calculated results are provided in Table 5 below. To avoid round-off errors in GAMBIT, the preprocessing step included a scale factor that was reversed when the grid generated with GAMBIT was imported into FLUENT.

[0054] Table 4: Ridge Geometries Studied

Ridge Geometry Number	Pie Angle	Number of Ridges	Base Angle	Height-to-Radius Ratio	Tip Fillet Radius, inches	Base Fillet Radius, inches	Total Wall Outlet CSA, $inch^2$
Bare	-	-	-	-	-	-	0.010060
1	24	15	4	41.9	0.00050	0.00050	0.011330
2	24	15	12	41.9	0.00050	0.00050	0.013952
3	40	9	6.667	52.4	0.00050	0.00050	0.011489
4	24	15	4	27.9	0.00050	0.00050	0.010971
5	20	18	2	30.0	0.00050	0.00050	0.010638
6	24	15	4	22.0	0.00050	0.00050	0.010795
7	24	15	2	35.0	0.00050	0.00050	0.010593
8	40	9	3.4	52.4	0.00050	0.00050	0.010842
9	60	6	15	78.5	0.00050	0.00050	0.012853
10	36	10	2.3	45.6	0.00050	0.00050	0.010507
11	24	15	4	20.9	0.00050	0.00050	0.010763
12	24	15	1	60.0	0.00010	0.00050	0.010440
13	60	6	6.667	69.8	0.00050	0.00050	0.011233
14	45	8	22.5	30.0	0.00700	0.00700	0.013100
15	45	8	2	45.0	0.00050	0.00050	0.010403
16	24	15	4	14.0	0.00050	0.00050	0.010535
17	30	12	3.333	17.5	0.00050	0.00050	0.010460
18	24	15	12	3.5	0.00050	0.00050	0.010158
19	60	6	6.667	34.9	0.00050	0.00050	0.010793
20	9	40	3	5.2	0.00050	0.00050	0.010458
21	6	60	1	3.5	0.00010	0.00025	0.010195
22	6	60	3	2.6	0.00050	0.00050	0.010364
23	6	60	3	10.5	0.00050	0.00050	0.011233
24	6	60	1	0.9	0.00010	0.00010	0.010092
25	6	60	3.9	9.8	0.00050	0.00050	0.011488

[0055] Table 5: Calculated Results

Ridge Geometry Number	Delta Pressure Ratio from FLUENT	Delta Temperature Ratio from FLUENT
Bare	-	-
1	3.07	0.488
2	6.13	0.394
3	2.72	0.531
4	1.93	0.58
5	2.00	0.598
6	1.65	0.629
7	2.12	0.615
8	2.46	0.593
9	3.34	0.532

Ridge Geometry Number	Delta Pressure Ratio from FLUENT	Delta Temperature Ratio from FLUENT
10	2.25	0.637
11	1.62	0.683
12	3.04	0.627
13	2.15	0.67
14	2.51	0.622
15	1.72	0.728
16	1.33	0.76
17	1.29	0.768
18	1.19	0.849
19	1.38	0.808
20	1.19	0.912
21	1.12	0.943
22	1.11	0.969
23	1.58	0.901
24	1.00	1.023
25	1.89	0.934

[0056] During the processing step using FLUENT, the radial edges of the grid pattern were defined as periodic boundaries such that the entire 360 degree cross section was modeled. The temperature difference between the inside of the tube wall and the bulk static temperature was calculated at the outlet. Pressure drop was calculated between the third inch (i.e., the start of the heated section) and the outlet.

[0057] For this screening test, the Delta Pressure Ratio (Equation Q) and the Delta Temperature Ratio (Equation R) were calculated at a fixed tube length and fixed mass flow for each simulation of the 25 geometries. The screening calculation results are tabulated above in Table 5 and plotted in FIG. 7.

$$\Delta p = p_{axial\_inch\_3} - p_{axial\_inch\_4} \qquad P$$

$$\text{"Delta P Ratio"} = \frac{\Delta p_{ridged\_tube\_simulatic}}{\Delta p_{bare\_tube\_simulation}} \qquad Q$$

$$\text{"Delta T Ratio"} = \frac{\left(t_{.id} - t_{.bulk}\right)_{ridged\_tube\_simulation}}{\left(t_{.id} - t_{.bulk}\right)_{bare\_tube\_simulation}} \qquad R$$

[0058] The data points on FIG. 7 represent how a heater tube would perform at screening calculation conditions if 100 percent of the tube length was ridged. Two curves are also shown on FIG. 7. The top curve shows the response a bare tube would have if the mass flow was increased while the heat flux and length remained constant. For the case of 100 percent of the tube length being ridged, ridge geometries with points above this curve would be detrimental in the heater design process because there is no benefit gained over a non-ridged tube. The lower curve, labeled "Reference Curve", shows the set of idealized ridge geometries that, if exist, would allow the heater designer to take advantage of the improved heat transfer afforded by the ideal ridge to reduce the length of one tube and still get the same TWT as the reference bare tube while at the same time balancing the psi/ft penalty associated with the ridge against the fact that tube length would be reduced such that the pressure drop across the entire ridged tube is the same as the pressure drop across the entire reference bare tube. At a constant mass flow rate, the Reference Curve can be simplified as the following equation:

Baseline Delta T Ratio = 1 / (Baseline Delta P Ratio)

where the Baseline Delta T Ratio is the Delta T Radio calculated for a 100 percent ridged tube for the particular ridge configuration, and the Baseline Delta P Ratio is the Delta P Ratio calculated for a 100 percent ridged tube for the particular ridge configuration and with the base mass flow. Preferred ridge designs would approach the reference curve of FIG. 7.

[0059] If one wanted to design a heater with uniform heat flux along the length of the tubes and wanted to reduce the tube length while keeping the TWT and pressure drop equal to the bare tube equivalent, ridge geometries 6, 16, 17, and 18 would be preferred at screening calculation conditions because they are closest to the ideal Reference Curve in FIG. 7.

EXAMPLE 3

[0060] To help determine which ridge geometry should receive more in depth attention, the percentage of tube length with internally-axial ridges was set at 50 percent for each ridge geometry. By simultaneously solving Equation S and Equation T, the total tube length and mass flow through the tube were calculated to keep the TWT and total tube pressure drop substantially equal to the bare reference tube. In equations S and T, as discussed above, the

Baseline Delta T Ratio is the Delta T Radio calculated for a 100 percent ridged tube for the particular ridge configuration, and the Baseline Delta P Ratio is the Delta P Ratio calculated for a 100 percent ridged tube for the particular ridge configuration and with the base mass flow. A Tube Cost Ratio (Equation V) was then calculated for each simulation. The results are tabulated in Table 6 and plotted in FIG. 8.

$$\frac{L_{base}}{L_{new}} \cdot \frac{m_{new}^{0.2}}{m_{base}^{0.2}} \cdot \text{"Baseline Delta T Ratio"} = 1 \qquad \text{S}$$

$$\frac{L_{new}}{L_{base}} \cdot \frac{m_{new}^{2}}{m_{base}^{2}} \cdot [\text{"fraction ridged"} \cdot (\text{"Baseline Delta P Ratio"}) + 1 - \text{"fraction ridged"}] = 1 \qquad \text{T}$$

$$\text{"Metal Ratio"} = \frac{\text{"Tube wall cross-sectional area for a ridged tube"}}{\text{"Tube wall cross-sectional area for a bare tube"}} \qquad \text{U}$$

$$\frac{\text{Tube\_Cost}_{new}}{\text{Tube\_Cost}_{old}} = \frac{m_{base}}{m_{new}} \cdot \frac{L_{new}}{L_{base}} \cdot ((\text{"fraction ridged"} \cdot \text{Metal\_Ratio} + 1 - \text{"fraction ridged"}) \qquad \text{V}$$

[0061] Table 6: Screening Test with 50 Percent of Conduit Ridged

Ridge Geometry Number	Single U-Conduit Length,* feet	Mass Flow, lb_m/hr	Change in Total Conduit Length (relative to bare tube equivalent), %	Tube Cost Ratio for 50% of Length Ridged
Bare			-	-
1	0.49	1.00	0.0	0.52
2	0.38	0.86	+16.3	0.53
3	0.53	1.00	0.0	0.57
4	0.59	1.07	-6.6	0.58
5	0.61	1.05	-4.5	0.60
6	0.65	1.08	-7.4	0.62
7	0.62	1.02	-1.8	0.62
8	0.59	0.99	+1.3	0.62
9	0.52	0.94	+6.3	0.63
10	0.64	0.98	+1.7	0.66
11	0.69	1.04	-4.2	0.68
12	0.61	0.90	+11.1	0.70
13	0.66	0.98	+2.3	0.72
14	0.61	0.96	+3.8	0.73
15	0.73	1.00	0.0	0.74

Ridge Geometry Number	Single U-Conduit Length,* feet	Mass Flow, lb_m/hr	Change in Total Conduit Length (relative to bare tube equivalent), %	Tube Cost Ratio for 50% of Length Ridged
16	0.77	1.05	-4.8	0.75
17	0.78	1.06	-5.3	0.76
18	0.85	1.04	-3.8	0.82
19	0.81	1.02	-2.0	0.82
20	0.91	1.00	0.0	0.93
21	0.94	1.00	0.0	0.95
22	0.97	0.99	+1.1	0.99
23	0.90	0.93	+7.7	1.03
24	1.02	0.99	+1.2	1.04
25	0.91	0.87	+14.9	1.12

*Length of conduit relative to a bare conduit equivalent when 50 percent of conduit is ridged.

[0062] Looking at FIG. 8, the ridge geometries can be grouped into three general categories – group I (ridge geometries 1 – 11), group II (ridge geometries 12 – 17) and group III (ridge geometries 18 – 25). Each category is replotted separately on Delta Temperature vs. Delta Pressure graphs as shown in FIGS. 12-14. The differences in Delta Temperature Ratios are fairly distinct. The group I geometries all produced a Delta Temperature Ratio less than 0.7 in the screening calculation of Example 2, the group II geometries produced a Delta Temperature Ratio between 0.6 and 0.8 in the screening calculation, and the group III geometries all produced a Delta Temperature Ratio greater than 0.8 in the screening calculation.

[0063] Looking at the number of ridges, base angle, and height-to-radius ratio for each of the 25 ridge geometries, there are no strong patterns to suggest ahead of time whether a proposed geometry will be classified as group I, II, or III. As shown in Table 7, ridge geometry 6 (group I) looks very similar to ridge geometry 16 (group II), ridge geometry 8 (group I) looks very similar to ridge geometry 15 (group II), and ridge geometry 19 (group III) bares no resemblance to ridge geometry 24 (group III). In one aspect, group I ridge configurations provide for a heater conduit with less material than group II configuration, and group II configurations provide for a ridge configuration with less material than group III configurations.

[0064] Table 7: Comparison of Six Example Ridge Geometries Classified by Group

Ridge Geometry	Group	Number of Ridges	Base Angle	Height-to-Radius Ratio
6	I	15	4	22.0
16	II	15	4	14.0
8	I	9	3.4	52.4
15	II	8	2	45.0
19	III	6	6.667	34.9
24	III	60	1	0.9

[0065] Based on the results of the screening test and tube length/mass flow calculations, ridge geometry 6 was selected for further investigation at conditions suitable for a process fired heater. Ridge geometry 6 was selected because it was identified as a low cost geometry of group I (i.e., tube cost ratio in FIG. 8 below 1.0) while at the same time its screening test results (Example 2) placed it near the ideal reference line in FIG. 7.

EXAMPLE 4

[0066] Ridge geometry 6 was then further investigated at the following conditions: (1) the tube model and ridge geometry were scaled to a 5 inch Sch 40 AW tube and (2) the first 130 inches were left unheated followed by 70 inches of heated section.

[0067] In preparation for the CFD processing step, a hydrogen-hydrocarbon mix representative of the fluid flowing through the heater was simulated using Hysys Version 3.2 with the Peng-Robinson physical property package selected. The fluid was flashed at 80 psig and a range of temperatures. Polynomials were then fit to physical property data for the fluid. Hastelloy X Alloy properties were used to define the tube material.

[0068] A matrix of heater conditions was generated for use in the simulations. First, the heat flux to the outside of the tube in the heated section was held constant and the Reynolds number of the fluid was varied between 100,000 and 800,000 (FIG. 9). Second, the Reynolds number was held constant and the heat flux was varied (FIG. 10). At each condition, a bare tube simulation was run followed by a ridged tube simulation such that the bare tube simulation results could be used as a basis of comparison. The Reynolds number for each simulation was reported on a bare tube basis.

[0069] A static bulk temperature of 543°C (1010°F) and a static pressure of 80 psig were targeted for the point 165 inches from the tube inlet (i.e., the mid point of the heated section).

Tube inlet and outlet boundary conditions were then estimated based on a smooth bare tube's response to the flow rate and external heat flux used for each simulation. The resulting simulation results showed a temperature and pressure at the 165th inch close to the targeted values. The Reynolds number for each simulation was calculated based on the targeted temperature and pressure at the 165th inch. The temperature difference between the inside of the tube wall and the bulk static temperature was also calculated at the outlet 165th inch and pressure drop was calculated between the 130th inch (i.e., the start of the heated section) and the 165th inch.

[0070] The Delta Temperature Ratio versus Delta Pressure Ratio results of simulating both a 5 inch Sch 40 AW bare tube and a 5 inch Sch 40 AW tube with ridge geometry 6 at 100,000 Btu/hr/sqft heat flux with a hydrogen-hydrocarbon mixture flowing through at different Reynolds numbers (bare tube basis) are shown in FIG. 9.

[0071] In examining FIG. 9, two trends are apparent. First, when the lowest Reynolds number data point is compared to the screening test results, it is believed that increasing the tube diameter while at the same time changing the Prandtl number of the material flowing through the tube causes the Delta Temperature Ratio to increase and the Delta Pressure Ratio to decrease. In other words, increasing the tube diameter appears to cause the ridged tube to behave more like the bare tube.

[0072] Second, increasing the Reynolds number results in an increase in both the Delta Temperature Ratio and the Delta Pressure Ratio. Essentially, increasing the Reynolds number causes a decrease in the ridge tube's heat transfer effectiveness while at the same time continuing increasing the pressure drop penalty associated with ridging the tube. As shown in FIG. 9, at Reynolds numbers exceeding 250,000, better use of such a pressure drop increase can be had with a bare tube than with a tube with 100 percent of the tube length ridged with ridge geometry 6 because all points fall above the bare tube upper limit curve.

[0073] The reason for the increase in Delta Temperature Ratio with increasing Reynolds number can be seen by comparing the rate of axial heat flow via convection in the crater between the ridges vs. rate of radial heat flow via conduction in the ridge as shown in Equation X and Table 8. Heat transfer properties averaged over the characteristic length were used in calculating the ratios.

[0074] As the Reynolds increases from 400,000 to 800,000, the ratio of heat flow rates increases. Taken to the extreme, the trend implies that at infinite Reynolds number the ratio of heat flux values would tend to infinity and the heat transfer performance of the ridged tube would equal that of a bare tube. In making this comparison, the impact of radial and tangential heat transfer within the crater area is ignored. This simplification is justified based on the fact that the axial Peclet number (Equation W) (See, e.g., D. Gidaspow, *Computational Transport*, Chapter 1, Unpublished textbook, 2006) for fluid flowing in the crater area between the ridges is much greater than unity in the range of Reynolds numbers being considered as shown in Table 8.

[0075] Table 8: Rate of Axial Heat Flow via Convection in the Crater Between the Ridges vs. Rate of Radial Heat Flow via Conduction in the Ridge for Constant Heat Flux

Reynolds Number (bare tube basis)	400,000	500,000	800,000
Axial Peclet Number (Eq W)	15,350	19,687	34,680
Ratio of Heat Flow Rates (Eq X)	102	134	238

$$Pe_{axial} = \frac{\rho_{fluid} \upsilon_{axial} C_{p_{fluid}} \cdot L_{ridge\_height}}{k_{fluid}} \qquad W$$

$$\frac{\text{"rate of axial heat flow via convection"}}{\text{"rate of radial heat flow via conduction in the ridge"}} = Pe_{axial} \frac{k_{fluid}}{k_{metal}} \qquad X$$

[0076] Increasing the Reynolds number results in an increase in both the Delta T Ratio and the Delta P Ratio. As before, the reason for the increase in Delta T Ratio with increasing Reynolds number can be seen by comparing the rate of axial heat flow via convection in the crater between the ridges vs. rate of radial heat flow via conduction in the ridge as shown in Equation X and Table 8. Heat transfer properties averaged over the characteristic length were used in calculating the ratios.

[0077] The Delta Temperature Ratio versus Delta Pressure Ratio results of simulating both a 5 inch Sch 40 AW bare tube and a 5 inch Sch 40 AW tube with ridge geometry 6 at a

Reynolds number of 500,000 (bare tube basis) at two different heat fluxes with a hydrogen-hydrocarbon mixture flowing through are shown in FIG. 10.

[0078] As the heat flux is decreased from 100,000 to 20,000 Btu/hr/sqft, the ratio of heat flow rates increases. Taken to the extreme, as the heat flux approaches zero the ratio of heat flux values would tend to infinity and the heat transfer performance of the ridged tube would equal that of a bare tube as shown in Table 9.

[0079] Table 9: Rate of Axial Heat Flow via Convection in the Crater Between the Ridges vs. Rate of Radial Heat Flow via Conduction in the Ridge for Constant Reynolds Number

Heat Flux	Btu/hr/sqft	20,000	100,000
Axial Peclet Number (Eq W)	- -	22,890	19,687
Ratio of Heat Flow Rates (Eq X)	- -	156	134

EXAMPLE 5

[0080] Ridge geometry 6 was further analyzed at less than 100 percent of the tube length with a fixed overall pressure drop and fixed TWT. In this example, the percentage of tube length with continuous internally-axial ridges was set at 15 percent of the overall tube length for ridge geometry 6. For a U-shaped tube (commonly used in heater design) with a 40 foot long straight length and a 6 foot bend radius, 15 percent ridging of the total tube is equivalent to ridging 37 percent of the outlet leg of the U-shape, which would correspond to or be adjacent to the high or peak radiant heat flux portion of the heater. In this configuration, therefore, the majority of the high flux portion of the outlet leg of the tube should be able to be addressed with internally-axial ridges.

[0081] As done during the screening test, Equation S and Equation T were solved simultaneously to find the total tube length and mass flow through the tube needed to keep the TWT and overall tube pressure drop equal to the bare tube reference (i.e., TWT and total tube pressure drop were fixed). The Tube Cost Ratio (Equation V) was then calculated for each simulation. The results are plotted in FIG. 11, which shows ridge geometry 6 with 15 percent of the tube ridged as being capable of providing a TWT and an overall tube

pressure drop equal to a bare tube reference with less material (i.e., lower cost) up to RE of 500,000.

[0082] Limiting the percentage of tube length with ridge geometry 6 to 15 percent of the overall length of the conduit (i.e., a portion of the conduit with the highest radial heat flux in this case) makes it possible to design a heater tube that uses up to 16 percent less material at a RE of 300,000 and a radial heat flux of 100,000 Btu/hr/ft^2 by increasing the flow through the tube by 5 percent (by decreasing the number of parallel flow passes by 5 percent) and reducing the tube length in each pass by 16 percent. In this example, fired heater tubes for use with catalytic naphtha reforming heater service can be designed with less material than a bare tube equivalent using internal-axially-ridged tubes producing substantially the same tube wall temperature and pressure drop as a bare tube equivalent. Ridge geometry 6, with 15 axial ridges, each ridge having a base equal to four degrees of the bare tube inside diameter and each having a ridge height to bare tube radius ratio of 22 was identified as being a preferred design. In one aspect, because of the tendency of the ridge tube to become less effective in transferring heat at elevated Reynolds numbers and low heat flux values, the experiments show that it is preferred the ridged part of the heater tube should be designed in the 300,000 to 500,000 Reynolds number range and the flux rates in excess of 20,000 Btu/hr/sqft; however, other conditions are also possible depending on the particular application.

[0083] The foregoing description and drawing figures clearly illustrate the advantages encompassed by the processes described herein and the benefits to be afforded with the use thereof. In addition, the drawing figures are intended to illustrate exemplary flow schemes and resultant data of the processes described herein. Other processes, outcomes, and flow schemes are, of course, also possible. It will be further understood that various changes in the details, materials, and arrangements of parts and components which have been herein described and illustrated in order to explain the nature of the process may be made by those skilled in the art within the principle and scope of the process as expressed in the appended claims.

CLAIMS:

1. A heat transfer system (10) for heating process fluids comprising:

one or more conduits (14) sized to accept a process fluid (16) flowing therethrough at a Reynolds Number of at least 275,000, each conduit (14) having a length, an inner surface (32), and a maximum conduit wall temperature limit;

each conduit (14) positioned to accept an inconsistent heat flux along the length of the conduit from a heat source (18) sufficient to provide a predetermined bulk temperature to the process fluid, the inner surface disposed to transfer heat from the conduit to the process fluid flow; and

one or more ridges (30) formed on a portion of the inner surface (32) of each conduit (14), the ridges (30) positioned along at least a portion of the length of the conduit (14) receiving the heat flux, and the ridges (30) dimensioned to increase the heat transfer to the process fluid flow (16).

2. The heat transfer system of claim 1, wherein the one or more ridges (30) are dimensioned to increase the heat transfer to the process fluid (16) without substantially increasing the overall pressure-drop in the process fluid flow through each conduit.

3. The heat transfer system of claim 2, wherein the heat source (18) is a radiant heat source having a peak radiant heat flux up to three times greater than an average radiant heat flux.

4. The heat transfer system of claim 3, wherein the conduit (14) has a longitudinal axis extending along the length thereof and the one or more ridges (30) extend substantially parallel to the longitudinal axis on the inner surface (32) of the conduit (14) corresponding to at least the peak radiant heat flux.

5. The heat transfer system of claim 4, wherein the one or more ridges (30) are positioned along 15 to 50 percent of the length of the conduit (14).

6. The heat transfer system of claim 1, wherein the each conduit length is a minimum length necessary to provide the predetermined bulk temperature to the process fluid without exceeding the conduit wall temperature limit along the portion of the conduit (14) receiving the peak radiant heat flux.

7. The heat transfer system of claim 6, wherein the length of each conduit (14) is less than the length of a conduit without the one or more ridges (30) providing the predetermined bulk temperature to the process fluid (16) with the same heat source and the same conduit wall temperature limit.

8. The heat transfer unit of claim 1, wherein the system (10) comprises one or more substantially U-shaped conduits (14), each substantially U-shaped conduit (14) includes a pair of generally straight leg portions (20) and a curved portion (24) connecting ends (26, 28) of the generally straight leg portions (20), each substantially U-shaped conduit (14) has an overall length including a leg length of each generally straight leg portion (20) and a curved length of the curved portion (24), and wherein the one or more ridges (30) are positioned along 35 to 100 percent of the leg length of one of the generally straight leg portions (20) and the other generally straight leg portion (20) and the curved portion (24) are free-of the one or more ridges (30).

9. The heat transfer unit of claim 1, wherein the one or more ridges (30) are configured to provide a temperature ratio of the conduit (14) with the one or more ridges (30) relative to the conduit without ridges defined by formula A

$$\frac{[T_{(\text{conduit inside surface})} - T_{(\text{bulk process fluid})}]_{(\text{conduit})}}{[T_{(\text{conduit without ridges inside surface})} - T_{(\text{equivalent bulk process fluid})}]_{(\text{conduit without ridges})}} \quad (A)$$

and the temperature ratio is from 0.6 to 0.9; and the one or more ridges (30) configured to provide a pressure ratio of the conduit (14) with the one or more ridges (30) relative to the conduit without ridges defined by formula B

$$\frac{[\Delta P/\text{Unit Length}]_{(\text{conduit})}}{[\Delta P/\text{Unit Length}]_{(\text{conduit without ridges})}} \quad (B)$$

and the pressure ratio is 1.2 to 1.7;

wherein

$T_{(\text{conduit inside surface})}$ = temperature of the conduit inside surface (32);

$T_{(\text{bulk process fluid})}$ = temperature of the bulk process fluid (16) in the conduit;

$T_{(\text{conduit without ridges inside surface})}$ = temperature of the conduit without ridges inside surface having the process fluid flowing therethrough;

$T_{(equivalent\ bulk\ process\ fluid)}$ = temperature of the bulk process fluid in the conduit without ridges having the process fluid flowing therethrough;

$[\Delta P/Unit\ Length]_{(conduit)}$ = pressure drop per unit length in the conduit portion having the one or more ridges; and

$[\Delta P/Unit\ Length]_{(conduit\ without\ ridges)}$ = pressure drop per unit length in the conduit without ridges having the process fluid flowing therethrough.

10. The heat transfer unit of claim 9, wherein the one or more conduits (14) are formed from a material having a thermal conductivity of 16 Btu/hr/ft/°F or less;

the heat source (18) is a radiant heat source providing a heat flux of up to 100,000 Btu/hr/ft^2, the heat flux along the conduit (14) providing an average bulk temperature of the process fluid (16) of at least 537°C (1000°F); and

the one or more ridges (30) configured to increase the heat transfer to the process fluid such that the difference between the average bulk temperature of the process fluid and the temperature of the inside surface (32) of each conduit (14) subject to a maximum heat flux does not exceed 635°C (1175°F).

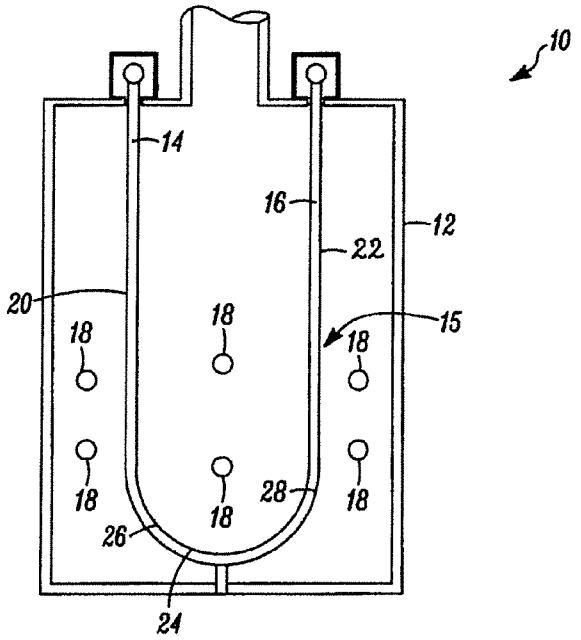


FIG. 1

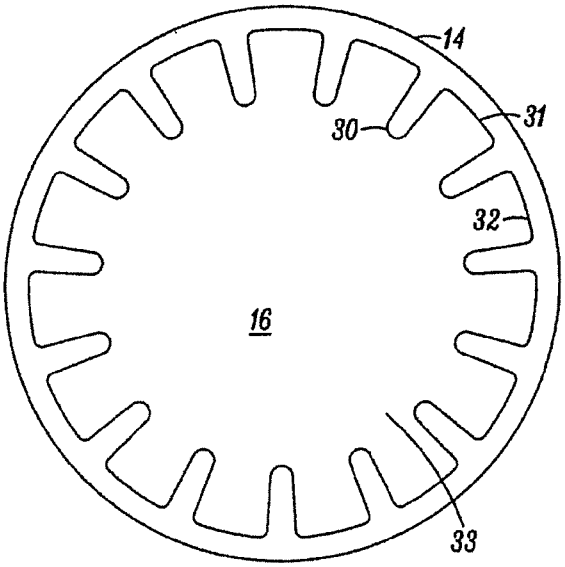


FIG. 2

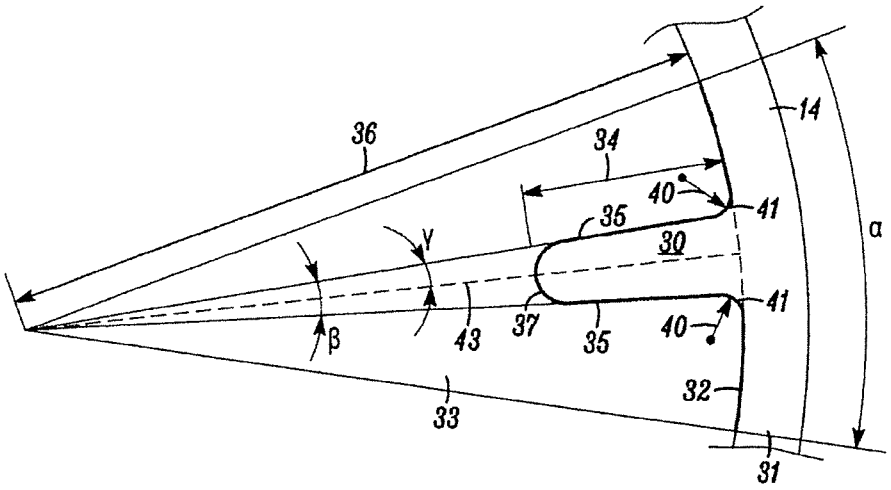


FIG. 3

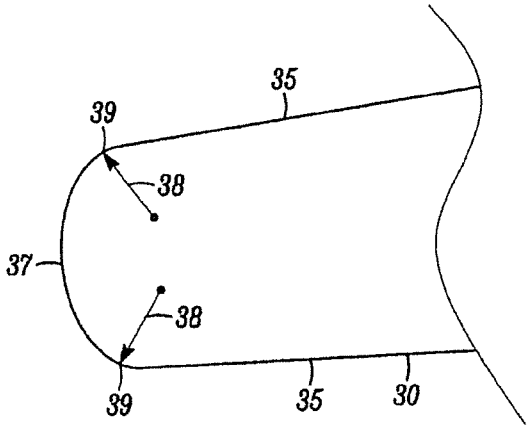


FIG. 4

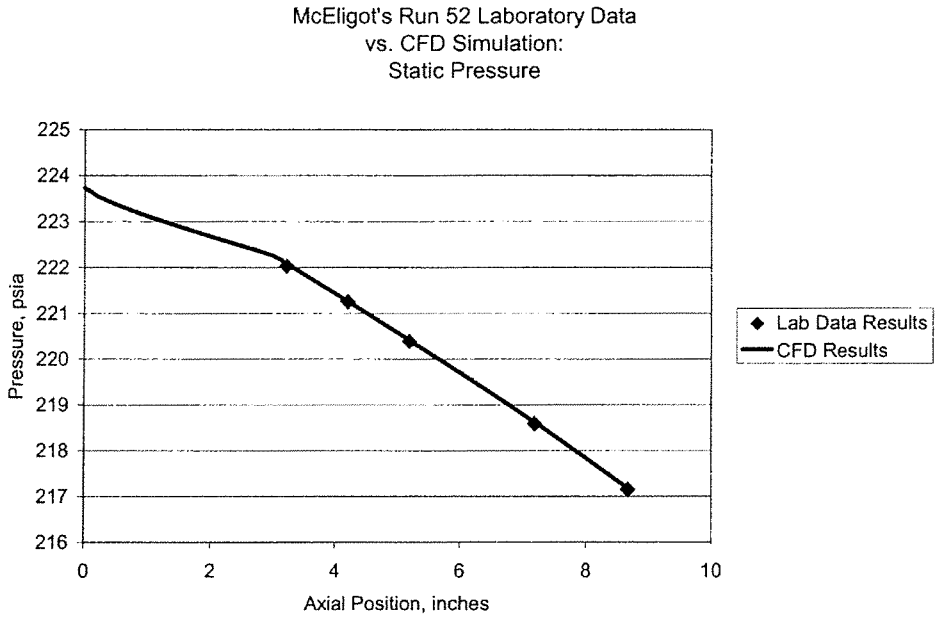

McEligot's Run 52 Laboratory Data
vs. CFD Simulation:
Static Pressure
Pressure, psia
225
224
223
222
221
220
219
218
217
216
0
2
4
6
8
10
Axial Position, inches
Lab Data Results
CFD Results

Fig. 5

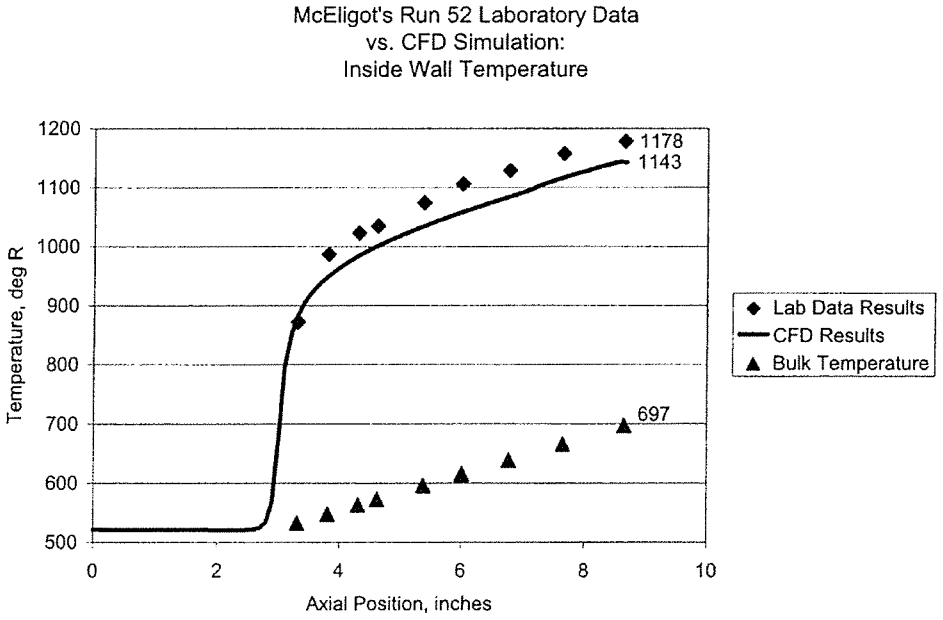

McEligot's Run 52 Laboratory Data
vs. CFD Simulation:
Inside Wall Temperature
Temperature, deg R
1200
1100
1000
900
800
700
600
500
0
2
4
6
8
10
Axial Position, inches
1178
1143
697
Lab Data Results
CFD Results
Bulk Temperature

Fig. 6

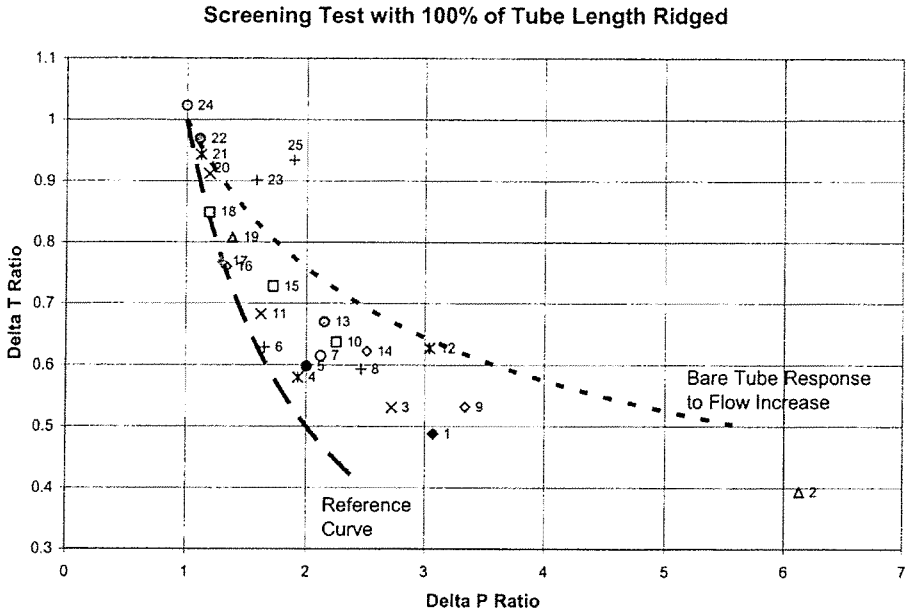
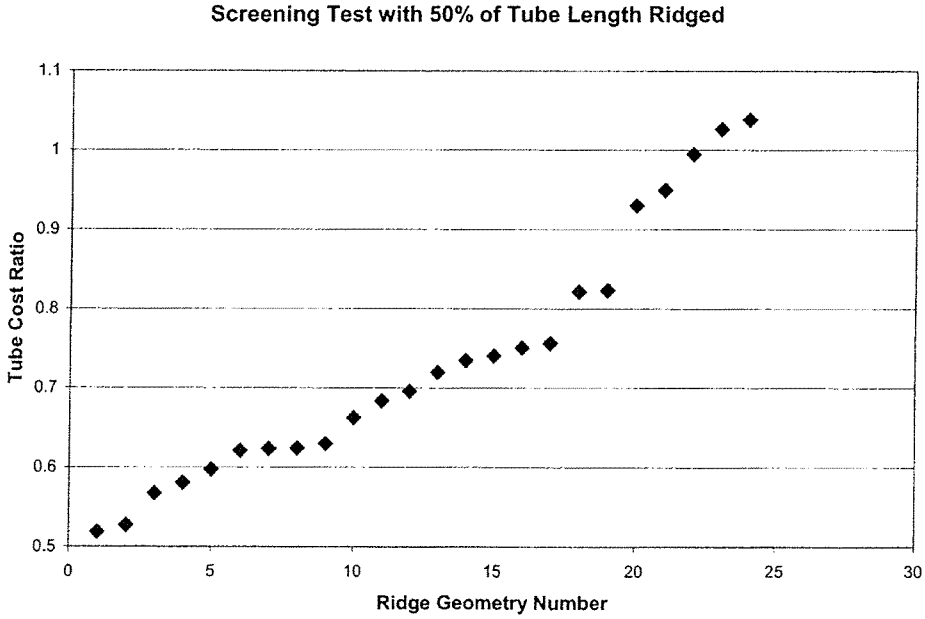

Screening Test with 100% of Tube Length Ridged
Delta T Ratio
Delta P Ratio
Bare Tube Response to Flow Increase
Reference Curve
1.1
1
0.9
0.8
0.7
0.6
0.5
0.4
0.3
0
1
2
3
4
5
6
7

Fig. 7


Screening Test with 50% of Tube Length Ridged
Tube Cost Ratio
Ridge Geometry Number
1.1
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0.9
0.8
0.7
0.6
0.5
0
5
10
15
20
25
30

Fig. 8

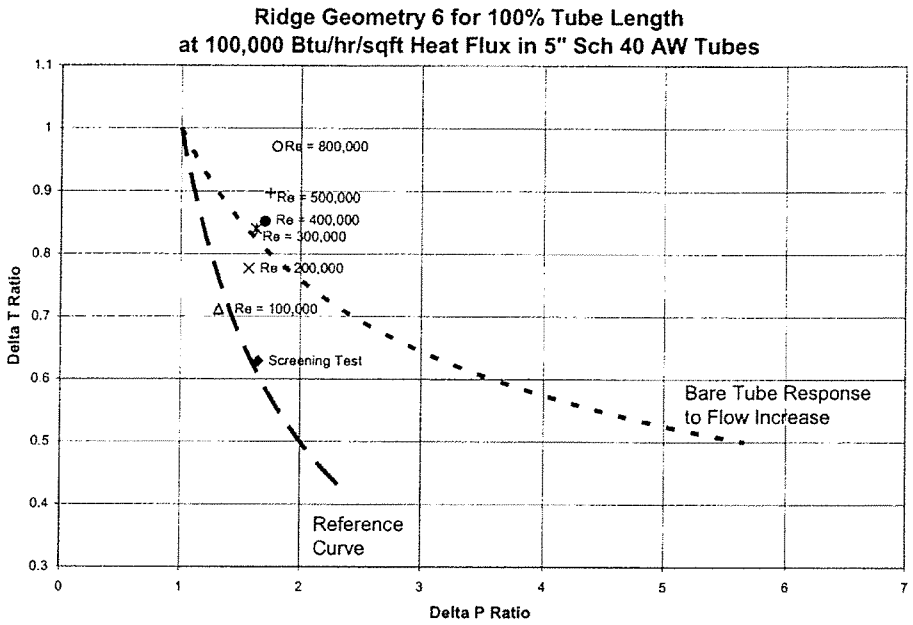
Ridge Geometry 6 for 100% Tube Length
at 100,000 Btu/hr/sqft Heat Flux in 5" Sch 40 AW Tubes
Delta T Ratio
Delta P Ratio
Re = 800,000
Re = 500,000
Re = 400,000
Re = 300,000
Re = 200,000
Re = 100,000
Screening Test
Bare Tube Response
to Flow Increase
Reference
Curve

Fig. 9

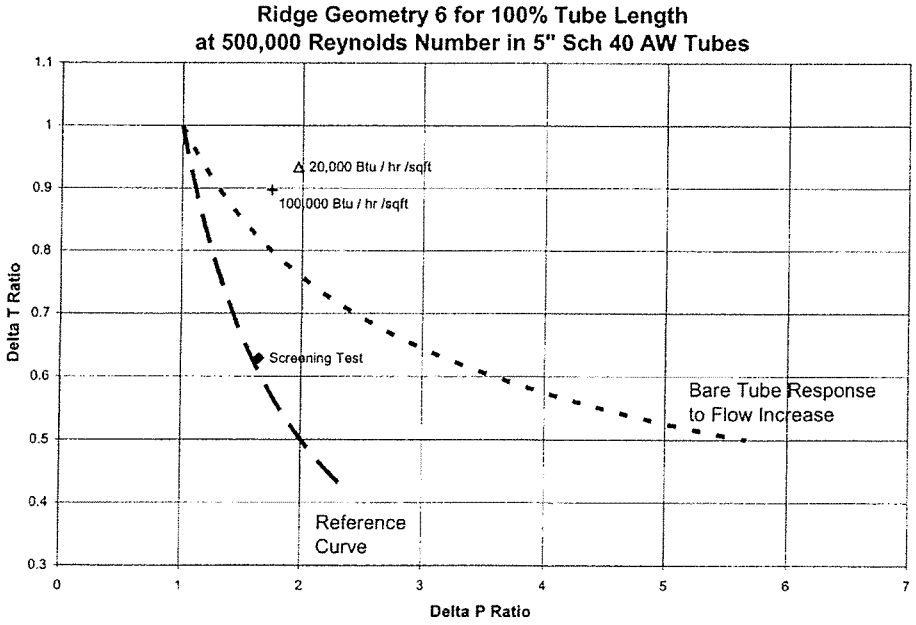
Ridge Geometry 6 for 100% Tube Length
at 500,000 Reynolds Number in 5" Sch 40 AW Tubes
Delta T Ratio
Delta P Ratio
20,000 Btu / hr /sqft
100,000 Btu / hr /sqft
Screening Test
Bare Tube Response
to Flow Increase
Reference
Curve

Fig. 10

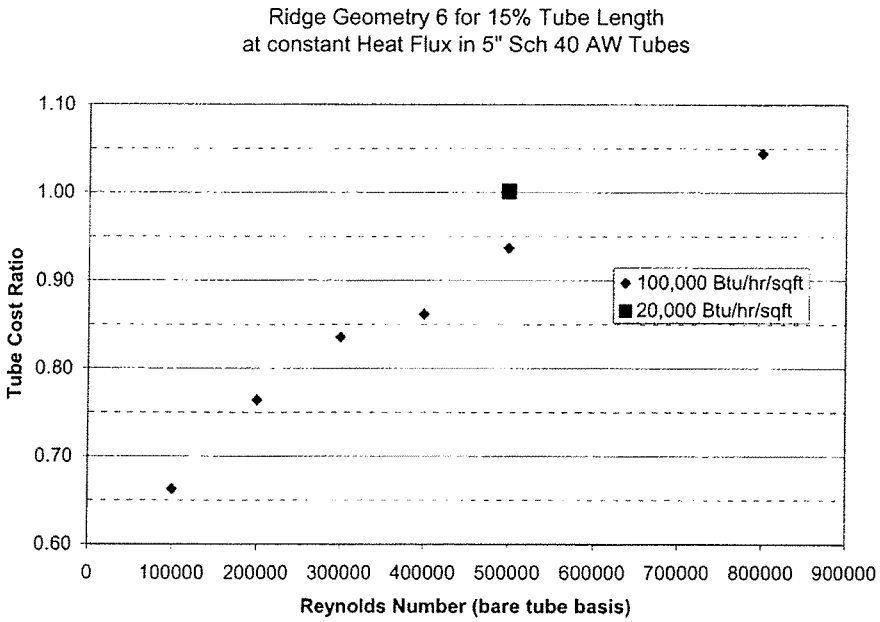
Ridge Geometry 6 for 15% Tube Length
at constant Heat Flux in 5" Sch 40 AW Tubes
Tube Cost Ratio
1.10
1.00
0.90
0.80
0.70
0.60
0
100000
200000
300000
400000
500000
600000
700000
800000
900000
Reynolds Number (bare tube basis)
100,000 Btu/hr/sqft
20,000 Btu/hr/sqft

Fig. 11

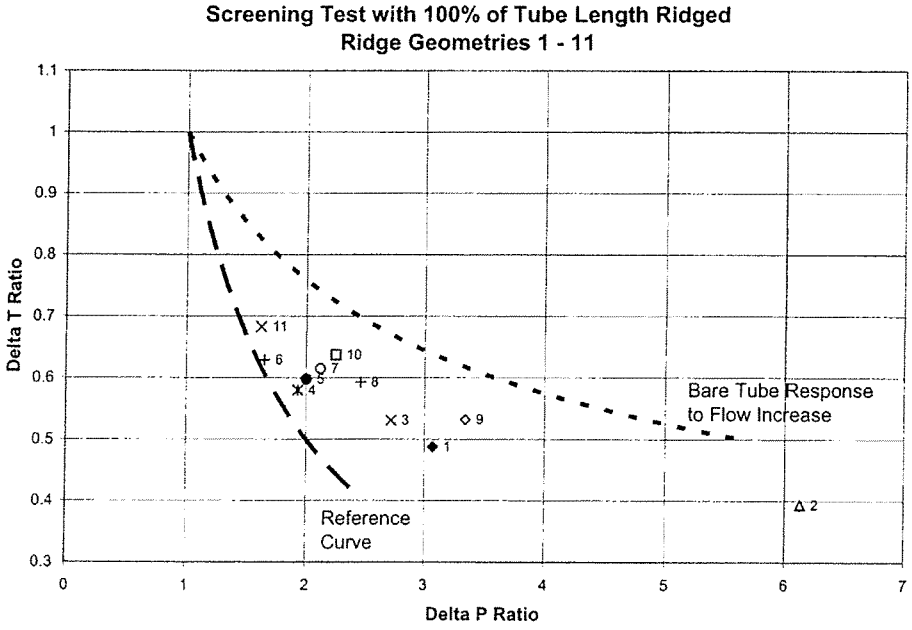
Screening Test with 100% of Tube Length Ridged
Ridge Geometries 1 - 11
Delta T Ratio
1.1
1
0.9
0.8
0.7
0.6
0.5
0.4
0.3
0
1
2
3
4
5
6
7
Delta P Ratio
Bare Tube Response
to Flow Increase
Reference
Curve
1
2
3
4
5
6
7
8
9
10
11

Fig. 12

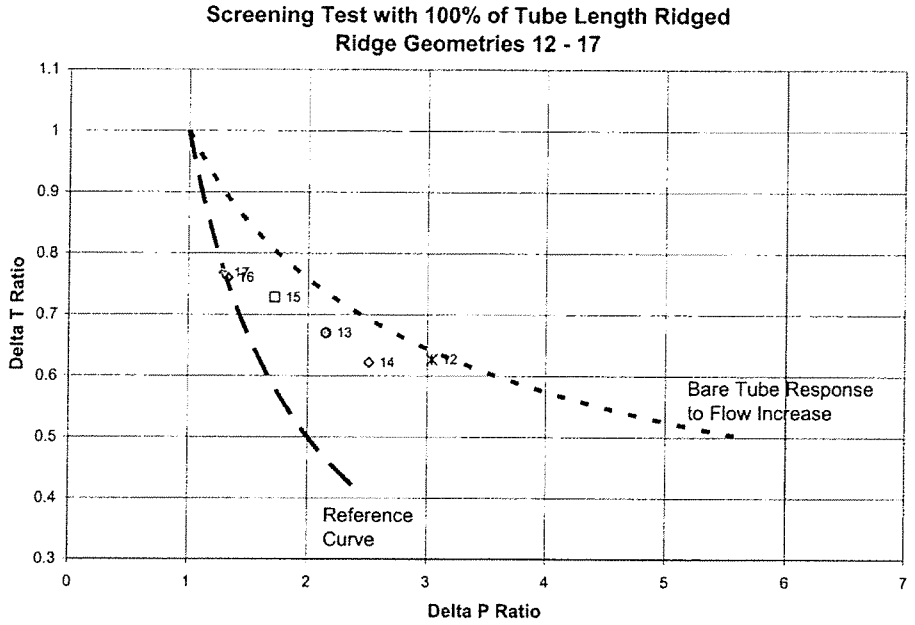
Screening Test with 100% of Tube Length Ridged
Ridge Geometries 12 - 17
Delta T Ratio
Delta P Ratio
1.1
1
0.9
0.8
0.7
0.6
0.5
0.4
0.3
0
1
2
3
4
5
6
7
17
16
15
13
14
12
Bare Tube Response
to Flow Increase
Reference
Curve

Fig. 13

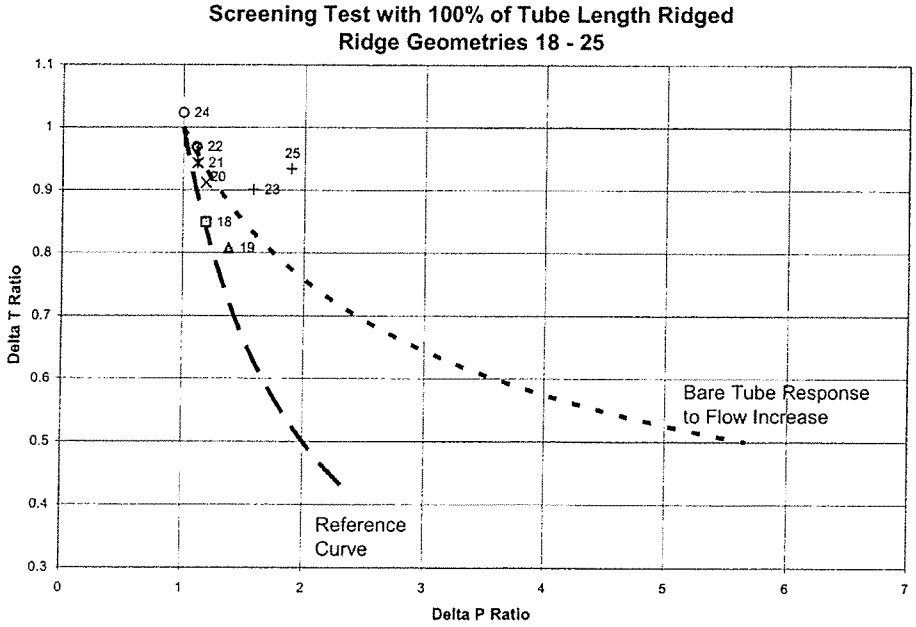
Screening Test with 100% of Tube Length Ridged
Ridge Geometries 18 - 25
Delta T Ratio
Delta P Ratio
1.1
1
0.9
0.8
0.7
0.6
0.5
0.4
0.3
0
1
2
3
4
5
6
7
24
22
21
20
25
23
18
19
Bare Tube Response
to Flow Increase
Reference
Curve

Fig. 14

PTO/SB/08a (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known	
Application Number	12/033,989
Filing Date	02-20-2008
First Named Inventor	Randy Scott Stier
Art Unit	3744
Examiner Name	Cheryl Jackson Tyler
Attorney Docket Number	H0017608-01

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 3,572,296	03-23-1971	Carson, et al.	
		US- 6,044,837	04-04-2000	Harry	
		US- 5,820,360	10-13-1998	Broach	
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3]-Number[4]-Kind Code[5] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T[6]
		JP 07-091743 A	04-04-1995	Mitsubishi		✓
		KR 10-088616 A	09-07-2005	Ju		✓

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. 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, 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 (1-800-786-9199) and select option 2.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2008/083483

A. CLASSIFICATION OF SUBJECT MATTER

F24H 1/20(2006.01)i, F24H 1/00(2006.01)i, F28F 13/00(2006.01)i

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)

IPC F22B 21/30, F24H 3/00, F24H 8/00, F24H 1/41, F24H 1/40

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models since 1975
Japanese utility models and applications for utility models since 1975

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKIPASS(KIPO) & Keyword: heater, conduit, ridge, process fluid, pressure, heat transfer, Reynolds number, flow, heat flux

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 03572296 A (CARSON, DON B. et al.) 23 March 1971 See abstract and fig.1	1-10
A	US 06044837 A (HARRY ARTHUR TYLER) 04 April 2000 See abstract and fig.3	1-10
A	US 05820360 A (BROACH, GEORGE C.) 13 October 1998 See abstract and fig.1	1-10
A	JP 07-091743 A (MITSUBISHI KAKOKI KAISHA LTD) 04 April 1995 See abstract and fig.1	1-10
A	KR 10-2005-0088616 A (JU, YOUNG IL) 07 September 2005 See abstract and fig.3	1-10

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☒ See patent family annex.

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Date of the actual completion of the international search	Date of mailing of the international search report
20 MAY 2009 (20.05.2009)	**21 MAY 2009 (21.05.2009)**

Name and mailing address of the ISA/KR
Korean Intellectual Property Office
Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea
Facsimile No. 82-42-472-7140

Authorized officer
LEE, TAEK SANG
Telephone No. 82-42-481-5492

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/US2008/083483

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 03572296 A	23.03.1971	NONE	
US 06044837 A	04.04.2000	NONE	
US 05820362 A	13.10.1998	NONE	
JP 07-091743 A	04.04.1995	JP 3582844 B2	27.10.2004
KR 10-2005-0088616 A	07.09.2005	NONE	

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2008/083483

A. CLASSIFICATION OF SUBJECT MATTER

F24H 1/20(2006.01)i, F24H 1/00(2006.01)i, F28F 13/00(2006.01)i

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)

IPC F22B 21/30, F24H 3/00, F24H 8/00, F24H 1/41, F24H 1/40

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models since 1975

Japanese utility models and applications for utility models since 1975

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKIPASS(KIPO) & Keyword: heater, conduit, ridge, process fluid, pressure, heat transfer, Reynolds number, flow, heat flux

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 03572296 A (CARSON, DON B. et al.) 23 March 1971 See abstract and fig.1	1-10
A	US 06044837 A (HARRY ARTHUR TYLER) 04 April 2000 See abstract and fig.3	1-10
A	US 05820360 A (BROACH, GEORGE C.) 13 October 1998 See abstract and fig.1	1-10
A	JP 07-091743 A (MITSUBISHI KAKOKI KAISHA LTD) 04 April 1995 See abstract and fig.1	1-10
A	KR 10-2005-0088616 A (JU, YOUNG IL) 07 September 2005 See abstract and fig.3	1-10

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"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

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Date of the actual completion of the international search	Date of mailing of the international search report
20 MAY 2009 (20.05.2009)	**21 MAY 2009 (21.05.2009)**
Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer LEE, TAEK SANG Telephone No. 82-42-481-5492

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INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.
PCT/US2008/083483

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 03572296 A	23.03.1971	NONE	
US 06044837 A	04.04.2000	NONE	
US 05820362 A	13.10.1998	NONE	
JP 07-091743 A	04.04.1995	JP 3582844 B2	27.10.2004
KR 10-2005-0088616 A	07.09.2005	NONE	

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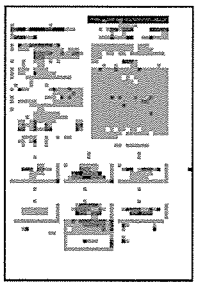
Title: **JP2007091743A2: METHOD FOR COUPLING BENZYL AMINE WITH HALOAROMATIC COMPOUND**

Derwent Title: Preparation of arylated benzylamines comprises reacting benzylamines with aryl halides in the presence of base, mixtures of organic solvents, and palladium complex including bisaryldialkylphosphine [Derwent Record]



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Country: **JP** Japan

Kind: **A2**

Inventor: **DOCKNER MICHAEL**;
SCHOLZ ULRICH;
NEUGEBAUER TORSTEN;

Assignee: **SALTIGO GMBH**
News, Profiles, Stocks and More about this company

Published / Filed: **2007-04-12** / 2006-09-27

Application Number: **JP2006000263155**

IPC Code: Advanced: **C07C 209/10**; **C07C 211/48**; **C07C 227/18**; **C07C 229/38**; C07B 61/00;
Core: **C07C 209/00**; **C07C 211/00**; **C07C 227/00**; **C07C 229/00**; more...

ECLA Code: **C07C227/18**; C07B37/04;

Priority Number: 2005-09-28 **DE2005200046344U**

Abstract: PROBLEM TO BE SOLVED: To provide a method for coupling a benzyl amine with a haloaromatic compound.

SOLUTION: By this method, an optionally substituted arylated benzyl amine is prepared from a corresponding optionally substituted aryl halide and an optionally substituted benzyl amine by using a specified solvent mixture, a base and a catalyst containing a palladium compound and a bisaryl dialkylphosphine.

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Family: Show 6 known family members

Other Abstract Info: None

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(19) JAPANESE PATENT OFFICE

PATENT ABSTRACTS OF JAPAN

(11) Publication number: 2007091743 A
(43) Date of publication of application: 12.04.2007

(51) Int. Cl.:
C07C 209/10(2006.01) *C07C 211/48*(2006.01) *C07C 227/18*(2006.01) *C07C 229/38*(2006.01)
C07B 61/00(2006.01)

(21) Application number: 2006263155
(22) Date of filing: 27.09.2006
(30) Priority: 28.09.2005 DE 2005 2005046344

(71) Applicant: SALTIGO GMBH
(72) Inventor: DOCKNER MICHAEL
SCHOLZ ULRICH
NEUGEBAUER TORSTEN

(54) **METHOD FOR COUPLING BENZYL AMINE WITH HALOAROMATIC COMPOUND**

(57) Abstract:

PROBLEM TO BE SOLVED: To provide a method for coupling a benzyl amine with a haloaromatic compound.

SOLUTION: By this method, an optionally substituted arylated benzyl amine is prepared from a corresponding optionally substituted aryl halide and an optionally substituted benzyl amine by using a specified solvent mixture, a base and a catalyst containing a palladium compound and a bisaryl dialkylphosphine.

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(19)日本国特許庁(JP)　(12)公開特許公報(A)　(11)特許出願公開番号
特開2007-91743
(P2007-91743A)
(43)公開日　平成19年4月12日(2007.4.12)

(51)Int.Cl.		F I		テーマコード（参考）
C07C 209/10	(2006.01)	C07C 209/10		4H006
C07C 211/48	(2006.01)	C07C 211/48		4H039
C07C 227/18	(2006.01)	C07C 227/18		
C07C 229/38	(2006.01)	C07C 229/38		
C07B 61/00	(2006.01)	C07B 61/00	300	

審査請求 未請求　請求項の数 11　OL　外国語出願　（全 26 頁）

(21)出願番号　特願2006-263155 (P2006-263155)
(22)出願日　平成18年9月27日 (2006.9.27)
(31)優先権主張番号　102005046344.4
(32)優先日　平成17年9月28日 (2005.9.28)
(33)優先権主張国　ドイツ(DE)

(71)出願人　506207853
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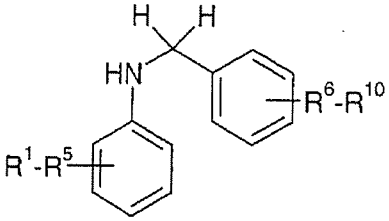
最終頁に続く

(54)【発明の名称】ベンジルアミン類をハロ芳香族化合物類とカップリングさせる方法

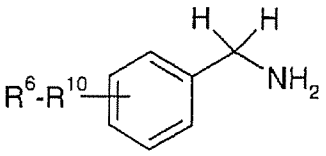
(57)【要約】
【課題】ベンジルアミン類をハロ芳香族化合物類とカップリングさせる方法を提供する。
【解決手段】特定の溶媒混合物と、塩基と、パラジウム化合物とビスアリールジアルキルホスフィンとを含む触媒と、を用いて、対応する任意に置換されたアリールハライド類と任意に置換されたベンジルアミン類とから、任意に置換されたアリール化ベンジルアミン類を調製する方法を提供する。
【選択図】なし

【特許請求の範囲】
【請求項1】
一般式（Ｉ）
【化1】



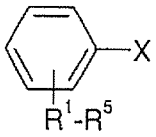
(I)

（式中、
Ｒ^{1}～Ｒ^{10}は、それぞれ独立して、水素、Ｃ$_{1}$～Ｃ$_{12}$－アルキル、Ｃ$_{1}$～Ｃ$_{12}$－アルコキシ、Ｃ$_{4}$～Ｃ$_{18}$－アリールもしくはＣ$_{5}$～Ｃ$_{19}$－アリールアルキル、Ｃ$_{1}$～Ｃ$_{12}$－アルコキシ、Ｃ$_{1}$～Ｃ$_{12}$－フルオロアルコキシ、ニトリル、エステル、アミド、ケトン、アルデヒド、ヒドロキシル、カルボキシル、またはフッ素である）
で示される化合物を、一般式（ＩＩ）
【化2】



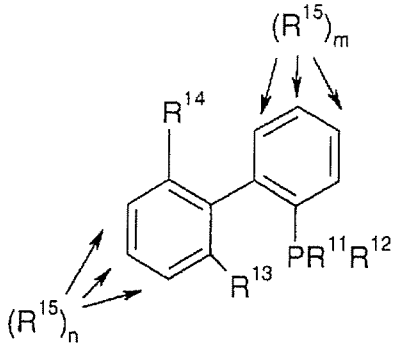
(II)

（式中、
Ｒ^{6}～Ｒ^{10}は、それぞれ、一般式（Ｉ）に関して先に定義されるとおりである）
で示される化合物を一般式（ＩＩＩ）
【化3】



(III)

（式中、
Ｘは、塩素、臭素、またはヨウ素であり、そして
Ｒ^{1}～Ｒ^{5}は、それぞれ、一般式（Ｉ）に関して先に定義されるとおりである）
で示される化合物と反応させることにより、製造する方法であって、
前記反応を、
一般式（ＩＶ）
【化4】



(IV)

（式中、
R^{11}およびR^{12}は、それぞれ独立して、C_1～C_{12}－アルキルまたはC_5～C_{19}－アリールアルキルであり、
R^{13}およびR^{14}は、それぞれ独立して、水素、C_1～C_6－アルキル、C_1～C_6－ジアルキルアミノ、またはC_1～C_6－アルコキシであり、
R^{15}基は、それぞれ独立して、水素、C_1～C_{12}－アルキル、C_1～C_{12}－アルコキシ、C_1～C_{12}－フルオロアルキル、C_1～C_{12}－フルオロアルコキシ、フッ素、C_4～C_{18}－アリール、またはC_5～C_{19}－アリールアルキルであり、かつ矢印は、特定のアリール基への可能な結合部位を示し、そして
ｎおよびｍは、それぞれ独立して、０、１、２、または３である）
で示される少なくとも１種の化合物を配位子として有する少なくとも１種のパラジウム錯体の存在下で、かつ
任意選択で置換されていてもよい芳香族炭化水素類からなる群から選択される少なくとも１種の溶媒と少なくとも１種の極性溶媒とを含む有機溶媒の混合物の存在下で、かつ
少なくとも１種のアルカリ金属含有塩基もしくはアルカリ土類金属含有塩基の存在下で、
行うことを特徴とする、製造方法。

【請求項2】
前記有機溶媒の混合物が、水、アミド類、エーテル類、アルコール類、または第三級アミン類から選択される少なくとも１種の極性溶媒を含むことを特徴とする、請求項１に記載の方法。

【請求項3】
前記有機溶媒の混合物が、ベンゼン、トルエン、およびキシレンから選択される少なくとも１種の芳香族炭化水素、好ましくはトルエンを含むことを特徴とする、請求項１または２に記載の方法。

【請求項4】
前記混合物が７０体積％のトルエンと３０体積％のＮ，Ｎ－ジメチルホルムアミドとからなることを特徴とする、請求項１～３のいずれか一項に記載の方法。

【請求項5】
前記有機溶媒の混合物が少なくとも６０体積％の芳香族炭化水素と多くとも４０体積％の極性溶媒とを含有することを特徴とする、請求項１～４のいずれか一項に記載の方法。

【請求項6】
一般式（ＩＶ）で示される少なくとも１種の化合物を配位子として有する使用される前記パラジウム錯体が、パラジウム前駆体を一般式（ＩＶ）で示される少なくとも１種の化合物と反応媒体中で反応させることにより得られるものであることを特徴とする、請求項１～５のいずれか一項に記載の方法。

【請求項7】
一般式（ＩＶ）で示される化合物に対するパラジウムのモル比が、１～４、好ましくは１．５～３．５、より好ましくは１．８～３．２、特に正確に２であることを特徴とする、請求項１～６のいずれか一項に記載の方法。

【請求項8】
一般式（ＩＩＩ）で示される化合物に対するパラジウムのモル比が、０．０００００１～０．０５、好ましくは０．００１～０．０３、より好ましくは０．００５～０．０２であることを特徴とする、請求項１～７のいずれか一項に記載の方法。

【請求項9】
使用される前記アルカリ金属含有もしくはアルカリ土類金属含有塩基が、アルカリ金属もしくはアルカリ土類金属水酸化物、アルカリ金属もしくはアルカリ土類金属炭酸塩、またはアルカリ金属もしくはアルカリ土類金属アルコキシドであることを特徴とする、請求項１～８のいずれか一項に記載の方法。

【請求項10】

一般式（ＩＩＩ）で示される化合物に対する、アルカリ金属含有塩基もしくはアルカリ土類金属含有塩基のモル比が、０．９～１．５、好ましくは１．０～１．４、より好ましくは１．２であることを特徴とする、請求項１～９のいずれか一項に記載の方法。

【請求項11】

一般式（ＩＩＩ）で示される化合物に対する、一般式（ＩＩ）で示される化合物のモル比が、１～２、好ましくは１．０～１．４、より好ましくは１．１であることを特徴とする、請求項１～１０のいずれか一項に記載の方法。

【発明の詳細な説明】

【技術分野】

【0001】

本発明は、塩基と、パラジウム化合物とビスアリールジアルキルホスフィンとを含む触媒と、を用いて、ベンジルアミン類をハロ芳香族化合物類とカップリングさせ、対応するアリール化ベンジルアミン類を得る方法を提供する。

【背景技術】

【0002】

アリール化ベンジルアミン類は、合成単位や活性物質成分として広く用いられている。たとえば、（特許文献１）を参照されたい。

【0003】

アニリン誘導体をベンジルクロリド類と反応させることによりアリール化ベンジルアミン類を調製しうることは公知である（（非特許文献１）参照）。しかしながら、この方法の欠点は、それに対応するように官能化されたアニリン類およびベンジルクロリド類が、多くの場合、得ることが可能であるとはいえ、常に困難を伴う点である。

【0004】

クロロ芳香族化合物類のパラジウム触媒アミノ化反応によるアリール化ベンジルアミン類の調製については、たとえば、（非特許文献２）に、またはブロモ芳香族化合物類の場合については、（非特許文献３）に、記載されている。ここで使用される溶媒は、極性溶媒（たとえばジメトキシエタン）または非極性非プロトン性溶媒（たとえばトルエン）を含む。しかしながら、当社内で検討したところ、いくつかの反応物質を記載の方法により変換した場合、所望のアリール化ベンジルアミンへの不完全な変換が達成されるにすぎないことが判明した。

【特許文献1】国際公開第０２／００６１２号パンフレット

【非特許文献1】Ｈ．Ｇ．Ｏ．ベッカー（Ｈ．Ｇ．Ｏ．Ｂｅｃｋｅｒ）著、Ｏｒｇａｎｉｋｕｍ、第１９版、バルト（Ｂａｒｔｈ）編、ドイチャー・フェアラーク・デァ・ヴィッセンシャフテン（Ｄｔ．Ｖｅｒｌａｇ　ｄｅｒ　Ｗｉｓｓ．）刊、１９９３年、４５１頁、ＩＳＢＮ３－３３５－００３４３－８

【非特許文献2】Ｊ．Ｏｒｇ．Ｃｈｅｍ．、２００２年、第６７巻、５５５３～５５６６頁

【非特許文献3】Ｊ．Ｏｒｇ．Ｃｈｅｍ．、２０００年、第６５巻、１１５８～１１７４頁

【発明の開示】

【発明が解決しようとする課題】

【0005】

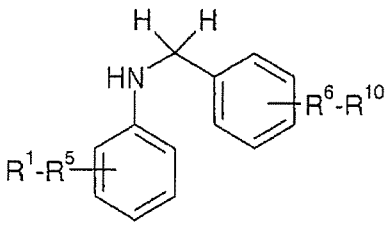
したがって、対応するハロ芳香族化合物類とベンジルアミン類とからアリール化ベンジルアミン類を製造する方法を提供することが必要とされている。

【課題を解決するための手段】

【0006】

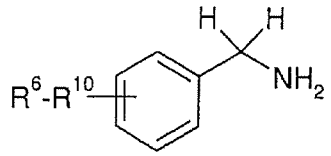
驚くべきことに、非極性の非プロトン性の溶媒と極性のプロトン性もしくは非プロトン性の溶媒との混合物中で反応を行った場合、対応するハロ芳香族化合物類とベンジルアミン類とからのアリール化ベンジルアミン類の調製が良好な収率で首尾よく行われることを見いだした。

【0007】
したがって、本発明は、一般式（Ｉ）
【0008】
【化1】



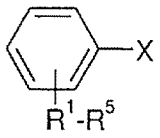
(I)

（式中、
R^1～R^{10}は、それぞれ独立して、水素、C_1～C_{12}－アルキル、C_1～C_{12}－アルコキシ、C_4～C_{18}－アリールもしくはC_5～C_{19}－アリールアルキル、C_1～C_{12}－アルコキシ、C_1～C_{12}－フルオロアルコキシ、ニトリル、エステル、アミド、ケトン、アルデヒド、ヒドロキシル、カルボキシル、またはフッ素である）
で示される化合物を、一般式（ＩＩ）
【0009】
【化2】



(II)

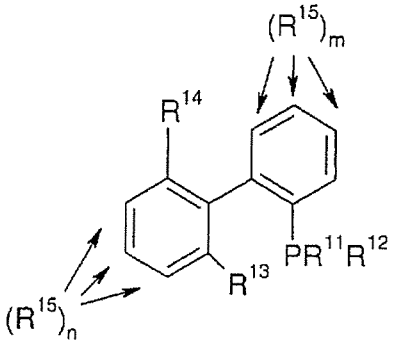
（式中、
R^6～R^{10}は、それぞれ、一般式（Ｉ）に関して先に定義されるとおりである）
で示される化合物を一般式（ＩＩＩ）
【0010】
【化3】



(III)

（式中、
Ｘは、塩素、臭素、またはヨウ素であり、そして
R^1～R^5は、それぞれ、一般式（Ｉ）に関して先に定義されるとおりである）
で示される化合物と反応させることにより、製造する方法であって、
この反応を、
一般式（ＩＶ）
【0011】

【化4】



(IV)

（式中、
R^{11}およびR^{12}は、それぞれ独立して、C_1～C_{12}－アルキルまたはC_5～C_{19}－アリールアルキルであり、
R^{13}およびR^{14}は、それぞれ独立して、水素、C_1～C_6－アルキル、C_1～C_6－ジアルキルアミノ、またはC_1～C_6－アルコキシであり、
R^{15}基は、それぞれ独立して、水素、C_1～C_{12}－アルキル、C_1～C_{12}－アルコキシ、C_1～C_{12}－フルオロアルキル、C_1～C_{12}－フルオロアルコキシ、フッ素、C_4～C_{18}－アリール、またはC_5～C_{19}－アリールアルキルであり、かつ矢印は、特定のアリール基への可能な結合部位を示し、そして
ｎおよびｍは、それぞれ独立して、０、１、２、または３である）
で示される少なくとも１種の化合物を配位子として有する少なくとも１種のパラジウム錯体の存在下で、かつ
任意選択で置換されていてもよい芳香族炭化水素類からなる群から選択される少なくとも１種の溶媒と少なくとも１種の極性溶媒とを含む有機溶媒の混合物の存在下で、かつ
少なくとも１種のアルカリ金属含有もしくはアルカリ土類金属含有塩基の存在下で、行われることを特徴とする、方法を提供する。

【発明を実施するための最良の形態】

【0012】

本発明に関連して、任意選択で置換されていてもよい芳香族炭化水素類とは、好ましくは、塩素置換もしくはC_1～C_6－アルキル置換芳香族炭化水素類を意味するものと解釈される。任意選択で置換されていてもよい芳香族炭化水素類からなる群から選択される好適な溶媒は、たとえば、ベンゼン、トルエン、またはキシレンであり、より好ましくはトルエンである。

【0013】

好適な極性溶媒は、特に、水、アミド類、たとえば、Ｎ，Ｎ－ジメチルホルムアミド、Ｎ，Ｎ－ジメチルアセトアミド、Ｎ－メチルホルムアニリド、またはＮ－メチルピロリドン、エーテル類、たとえば、ジエチルエーテル、メチルｔｅｒｔ－ブチルエーテル、ジイソプロピルエーテル、ジオキサン、テトラヒドロフラン、エチレングリコールジメチルエーテル、またはエチレングリコールジエチルエーテル；アルコール類、たとえば、メタノール、エタノール、ｎ－もしくはｉ－プロパノール、ｔｅｒｔ－ブタノール、エチレングリコールモノメチルエーテル、エチレングリコールモノエチルエーテル、ジエチレングリコールモノメチルエーテル、またはジエチレングリコールモノエチルエーテル、あるいは第三級アミン類、たとえば、トリ－ｎ－ブチルアミンまたはトリエチルアミンである。

【0014】

好ましいのは、水、アミド類、エーテル類、アルコール類、または第三級アミン類から選択される少なくとも１種の極性溶媒を含む混合物である。

【0015】

とくに好ましいのは、トルエンと、Ｎ，Ｎ－ジメチルホルムアミド、Ｎ，Ｎ－ジメチルアセトアミド、Ｎ－メチルホルムアニリド、およびＮ－メチルピロリドンから選択される

少なくとも１種の極性溶媒と、を含む混合物である。

【0016】

なかでもとくに好ましいのは、トルエンとＮ，Ｎ－ジメチルホルムアミドとを含む混合物である。

【0017】

好ましくは、少なくとも６０体積％の任意選択で置換されていてもよい芳香族炭化水素と多くとも４０体積％の極性溶媒とで構成される混合物が使用される。本方法の好ましい実施形態では、少なくとも２体積部の芳香族炭化水素と多くとも１体積部の極性溶媒との混合物が使用される。さらに、混合物中に極性溶媒が少なくとも１０体積％の量になるようにかつ芳香族炭化水素が多くとも９０体積％の量になるように存在する場合、とくに好ましいであろう。

【0018】

なかでもとくに好ましくは、７０体積％のトルエンと３０体積％のＮ，Ｎ－ジメチルホルムアミドとの混合物が使用される。

【0019】

本発明の範囲内には、上記のおよび以下に一般的にもしくは好ましい範囲内で列挙される基の定義、パラメーター、および具体例がすべて包含され、互いの任意の組合せ、すなわち、特定の範囲内および好ましい範囲内の任意の組合せについても包含される。

【0020】

アルキルおよびアルコキシは、それぞれ独立して、それぞれ、直鎖状、環状、分枝状、もしくは非分枝状のアルキル基およびアルコキシ基を表し、挙げられた基は、さらに置換されていてもよい。同じことが、アリールアルキル基のアルキレン部分にもあてはまる。

【0021】

C_1～C_6－アルキルは、たとえば、好ましくは、メチル、エチル、ｎ－プロピル、イソプロピル、ｎ－ブチル、ｓｅｃ－ブチル、ｔｅｒｔ－ブチル、ｎ－ペンチル、１－メチルブチル、２－メチルブチル、３－メチルブチル、ネオペンチル、１－エチルプロピル、シクロヘキシル、シクロペンチル、ｎ－ヘキシルであり；C_1～C_{12}－アルキルは、それに加えて、たとえば、ｎ－ヘプチル、ｎ－オクチル、ｎ－デシル、およびｎ－ドデシルである。

【0022】

C_1～C_6－アルコキシは、たとえば、好ましくは、メトキシ、エトキシ、ｎ－プロポキシ、イソプロポキシ、ｎ－ブトキシ、ｓｅｃ－ブトキシ、ｔｅｒｔ－ブトキシ、ｎ－ペントキシ、シクロヘキソキシ、シクロペントキシ、ｎ－ヘキソキシ(n-hexoxy)であり；C_1～C_{12}－アルコキシは、それに加えて、たとえば、ｎ－ヘプトキシ、ｎ－オクトキシ、ｎ－デコキシ(n-decoxy)、およびｎ－ドデコキシである。

【0023】

フルオロアルキルは、いずれの場合も独立して、フッ素原子により単置換、多置換、もしくは完全置換された直鎖状、環状、分枝状、もしくは非分枝状のアルキル基である。

【0024】

たとえば、C_1～C_{12}－フルオロアルキルは、トリフルオロメチル、２，２，２－トリフルオロエチル、ペンタフルオロエチル、ノナフルオロブチル、ヘプタフルオロイソプロピル、ペルフルオロオクチル、およびペルフルオロドデシルである。

【0025】

アリールは、環１個あたりゼロ、１、２、もしくは３個の骨格炭素原子（ただし、全分子中で少なくとも１個の骨格炭素原子）が窒素、硫黄、もしくは酸素からなる群から選択されるヘテロ原子により置換されていてもよい５～１８個の骨格炭素原子を有するヘテロ芳香族基、または好ましくは、６～１８個、好ましくは６～１０個の骨格炭素原子を有する炭素環式芳香族基、のいずれかである。

【0026】

６～１８個の骨格炭素原子を有する単環式、二環式、もしくは三環式の炭素環式芳香族

基の例は、フェニル、ビフェニリル、ナフチル、フェナントレニル、アントラセニル、またはフルオレニルであり、環１個あたりゼロ、１、２、もしくは３個の骨格炭素原子（ただし、全分子中で少なくとも１個の骨格炭素原子）が窒素、硫黄、もしくは酸素からなる群から選択されるヘテロ原子により置換されていてもよい５～１８個の骨格炭素原子を有する単環式、二環式、もしくは三環式のヘテロ芳香族基は、たとえば、ピリジニル、オキサゾリル、ベンゾフラニル、ジベンゾフラニル、またはキノリニルである。

【0027】

さらに、炭素環式芳香族基またはヘテロ芳香族基は、フッ素、シアノ、C_1～C_{12}－アルキル、C_1～C_{12}－フルオロアルキル、C_1～C_{12}－フルオロアルコキシ、C_1～C_{12}－アルコキシ、またはジ（C_1～C_8－アルキル）アミノからなる群から選択される、環１個あたり５個までの同一のもしくは異なる置換基により置換されていてもよい。

【0028】

アリールアルキルは、いずれの場合も独立して、先に定義されるアリール基により一置換、多置換、もしくは完全置換されていてもよい直鎖状、環状、分枝状、もしくは非分枝状の先に定義したアルキル基である。アリールアルキル基の一例は、ベンジルである。

【0029】

一般式（Ｉ）、（ＩＩ）、および（ＩＩＩ）の好ましい置換パターンは、以下に規定される：

R^1～R^4は、好ましくはそれぞれ水素であり、

R^5は、好ましくは環状アルキル基であり、

R^6～R^9は、好ましくはそれぞれ水素であり、

R^{10}は、好ましくはエステル基であり、かつ

Ｘは、好ましくは塩素または臭素、より好ましくは塩素である。

【0030】

一般式（Ｉ）で示されるとくに好ましい化合物は、メチルＮ－（４－シクロヘキサ－１－エニルフェニル）－４－メチルアミノベンゾエートである。一般式（ＩＩＩ）で示されるとくに好ましい化合物は、４－シクロヘキサ－１－エニルクロロベンゼンである。一般式（ＩＩ）で示されるとくに好ましい化合物は、メチル４－メチルアミノベンゾエートである。

【0031】

一般式（ＩＶ）の好ましい置換パターンは、以下に規定される：

R^{11}およびR^{12}は、それぞれ独立して、イソプロピル、ｔｅｒｔ－ブチル、シクロペンチル、またはシクロヘキシル、より好ましくはそれぞれ同一で前述の基、より好ましくはそれぞれ同一でイソプロピルであり、

R^{13}およびR^{14}は、好ましくはそれぞれ独立して、メチル、ジメチルアミノ、エチル、イソプロピル、およびメトキシ、より好ましくはそれぞれ同一で前述の基、最も好ましくはそれぞれ同一でイソプロピルであり、

ｎは、好ましくは０または１であり、

ｍは、好ましくは０であり、かつ

R^{15}は、独立して、メチル、エチル、イソプロピル、またはメトキシである。

【0032】

一般式（ＩＶ）で示されるとくに好ましい化合物は、２－ジシクロヘキシルホスフィノ－２’－（Ｎ，Ｎ－ジメチルアミノ）ビフェニルである。

【0033】

一般式（ＩＶ）で示される化合物は、文献により公知であり、たとえば、Ｓ．ケイ（Ｓ．Ｋａｙｅ）、Ｊ．Ｍ．フォックス（Ｊ．Ｍ．Ｆｏｘ）、Ｆ．Ａ．ヒックス（Ｆ．Ａ．Ｈｉｃｋｓ）、Ｓ．Ｌ．バックウォルド（Ｓ．Ｌ．Ｂｕｃｈｗａｌｄ）著、Ａｄｖ．Ｓｙｎｔｈ．Ｃａｔａｌ．、２００１年、第３４３巻、第８号、７８９～７９４頁に従って調製可能である。

【0034】
一般式（ＩＶ）で示される少なくとも１種の化合物を配位子として有する有用なパラジウム錯体は、たとえば、一般式（ＩＶ）で示される少なくとも１種の化合物を含有する単離もしくは予め形成されたパラジウム錯体、またはパラジウム前駆体を一般式（ＩＶ）で示される少なくとも１種の化合物と反応媒体中で反応させることにより得られるものである。本方法に用いられるパラジウム錯体は、好ましくは、パラジウム前駆体を一般式（ＩＶ）で示される少なくとも１種の化合物と反応させることにより得られる。
【0035】
好適なパラジウム前駆体は、一般式（ＩＶ）で示される化合物と反応してパラジウム－リン配位を形成しうるすべてのパラジウム化合物である。
【0036】
好ましいパラジウム前駆体は、Pd_2（ジベンジリデンアセトン）$_3$、アリルパラジウムクロリドもしくはブロミド、または一般式（Ｖａ）

$PdY^1{}_2$　　（Ｖａ）

（式中、
Y^1は、アニオン、好ましくは、クロリド、ブロミド、アセテート、プロピオネート、ナイトレート、メタンスルホネート、トリフルオロメタンスルホネート、アセチルアセトネート、アリル、またはシクロペンタジエニルである）
で示されるパラジウム化合物、あるいは一般式（Ｖｂ）

$PdY^2{}_2L_2$　　（Ｖｂ）

（式中、
Y^2は、アニオン、好ましくは、クロリド、ブロミド、アセテート、メタンスルホネートもしくはトリフルオロメタンスルホネート、ノナフルオロブタンスルホネート、テトラフルオロボレート、またはヘキサフルオロホスフェートであり、
Ｌは、いずれの場合も、ニトリル、好ましくは、アセトニトリル、ベンゾニトリル、もしくはベンジルニトリル、またはオレフィン、好ましくは、シクロヘキセンもしくはシクロオクテンであるか、あるいは
L_2は、一緒になって、ジオレフィン、好ましくは、ノルボルナジエンまたは１，５－シクロオクタジエンである）
で示されるパラジウム化合物である。
【0037】
好ましいパラジウム前駆体は、パラジウム（ＩＩ）アセテートまたは［Pd_2（ｄｂａ）$_3$］である。
【0038】
なかでもとくに、使用されるパラジウム錯体が、パラジウム前駆体を一般式（ＩＶ）で示される少なくとも１種の化合物と反応媒体中で反応させることにより得られる場合、一般式（ＩＶ）で示される化合物に対するパラジウムのモル比は、たとえば１～４でありうるが、好ましくは１．５～３．５、より好ましくは１．８～３．２、特に正確に２である。
【0039】
一般式（ＩＩＩ）で示される化合物に対するパラジウムのモル比は、たとえば０．０００００１～０．０５でありうるが、好ましくは０．００１～０．０３、より好ましくは０．００５～０．０２である。
【0040】
本発明に係る方法は、少なくとも１種のアルカリ金属含有もしくはアルカリ土類金属含有塩基の存在下で行われる。アルカリ金属含有もしくはアルカリ土類金属含有塩基は、たとえば、好ましくは、アルカリ金属もしくはアルカリ土類金属水酸化物、アルカリ金属もしくはアルカリ土類金属炭酸塩、またはアルカリ金属もしくはアルカリ土類金属アルコキシド、より好ましくは、アルカリ金属もしくはアルカリ土類金属水酸化物、たとえば、水酸化リチウム、水酸化ナトリウム、水酸化カリウム、または水酸化カルシウム、アルカリ

金属もしくはアルカリ土類金属炭酸塩、たとえば、炭酸カリウムまたは炭酸セシウム、あるいはアルカリ金属アルコキシド、たとえば、ナトリウムメトキシド、ナトリウムエトキシド、ナトリウムｎ－もしくはｉ－プロポキシド、ナトリウムｎ－、ｉ－、ｓ－、もしくはｔ－ブトキシド、またはカリウムメトキシド、カリウムエトキシド、カリウムｎ－もしくはｉ－プロポキシド、またはカリウムｎ－、ｉ－、ｓ－、もしくはｔ－ブトキシドである。なかでもとりわけ好ましいのは、リン酸カリウム、水酸化ナトリウム、もしくは水酸化カリウム、またはナトリウムｔｅｒｔ－ブトキシドもしくはカリウムｔｅｒｔ－ブトキシドである。好ましい実施形態では、リン酸カリウムが使用される。

【0041】

一般式（ＩＩＩ）で示される化合物に対する、アルカリ金属含有塩基もしくはアルカリ土類金属含有塩基のモル比は、たとえば０．９～１．５でありうる。より多量であることも同様に可能であるが、非経済的である。モル比は、好ましくは１．０～１．４、より好ましくは１．２である。

【0042】

一般式（ＩＩＩ）で示される化合物に対する、一般式（ＩＩ）で示される化合物のモル比は、たとえば１～２でありうる。より多量であることも可能であるが、非経済的である。モル比は、好ましくは１．０～１．４、より好ましくは１．１である。

【0043】

反応温度は、たとえば４０～１５０℃、好ましくは６０～１１０℃、より好ましくは９５～１０５℃でありうる。選択される反応圧力は、たとえば、０．５～１００ｂａｒの任意の圧力でありうるが；好ましいのは、周囲圧力（常圧）である。

【0044】

いずれの反応時間も好適である。たとえば、反応時間は、０．５～４８時間、好ましくは４～２４時間、より好ましくは６～２４時間でありうる。

【0045】

本発明の方法によれば、冒頭に記載される公知の方法を用いていままで可能であったよりも、より柔軟に、より高い純度および／もしくはより高い収率で、ならびに／またはより簡単に、一般式（Ｉ）で示される化合物を得ることが可能である。

【0046】

［実施例］

実施例１（本発明に係る）：

温度計、還流冷却器、およびセプタムを備えた１Ｌフラットフランジ付きビーカーに、６０ｇの１－クロロ－４－シクロヘキサ－１－エニルベンゼン、７２ｇのメチル４－（アミノメチル）ベンゾエート、２５０ｍｌのトルエン、および１２５ｍｌのＤＭＦを最初に仕込む。７９．２ｇのリン酸三カリウムを撹拌しながら導入する。

【0047】

装置を３回減圧し、毎回、窒素を再導入する。

【0048】

続いて、７．０ｇのＴＨＦに溶解された０．７ｇのパラジウムアセテートおよび２．５ｇの２－ジシクロヘキシルホスフィノ－２’－（Ｎ，Ｎ－ジメチルアミノ）ビフェニルの溶液を、室温でカニューレを介して丸底フラスコから添加し、混合物を１１０℃に加熱する。

【0049】

１１０℃で２２時間後、反応混合物を８０～９０℃で沪過する。沪過ケーキを毎回１００ｍｌの熱トルエン（約８０℃）で２回洗浄する。

【0050】

沪液を合わせ、室温で毎回２１７ｇの１４％塩化ナトリウム溶液で２回洗浄する。

【0051】

有機相を減圧下で濃縮する。１５７ｇのイソプロパノールを蒸留ボトムに添加する。６０℃に加熱して溶液を得、この溶液を７～８時間にわたり２０℃に冷却する。結晶化した

生成物を沪別する。沪過ケーキを毎回３９ｇの冷イソプロパノールで２回洗浄し、最後に、減圧下、４５℃で乾燥させる。

【0052】

７６ｇ（理論量の７６％）の生成物が単離される。

【0053】

実施例２（本発明に係らない）：

温度計、還流冷却器、およびセプタムを備えた１Ｌフラットフランジ付きビーカーに、６０ｇの１－クロロ－４－シクロヘキサ－１－エニルベンゼン、７２ｇのメチル４－（アミノメチル）ベンゾエート、および３５０ｍｌのＤＭＦを最初に仕込む。７９．２ｇのリン酸三カリウムを撹拌しながら導入する。

【0054】

装置を３回減圧し、毎回、窒素を再導入する。

【0055】

続いて、７．０ｇのＴＨＦに溶解された０．７ｇのパラジウムアセテートおよび２．５ｇの２－ジシクロヘキシルホスフィノ－２’－（Ｎ，Ｎ－ジメチルアミノ）ビフェニルの溶液を、室温でカニューレを介して丸底フラスコから添加し、混合物を１１０℃に加熱する。

【0056】

１１０℃で２２時間後、製造途中の検査では、約３８％の転化率が検出されるにすぎず、撹拌時間を延長してもそれ以上変化しない。反応を停止させる。

【0057】

実施例３（本発明に係らない）：

温度計、還流冷却器、およびセプタムを備えた１Ｌフラットフランジ付きビーカーに、６０ｇの１－クロロ－４－シクロヘキサ－１－エニルベンゼン、７２ｇのメチル４－（アミノメチル）ベンゾエート、および３５０ｍｌのトルエンを最初に仕込む。７９．２ｇのリン酸三カリウムを撹拌しながら導入する。

【0058】

装置を３回減圧し、毎回、窒素を再導入する。

【0059】

続いて、７．０ｇのＴＨＦに溶解された０．７ｇのパラジウムアセテートおよび２．５ｇの２－ジシクロヘキシルホスフィノ－２’－（Ｎ，Ｎ－ジメチルアミノ）ビフェニルの溶液を、室温でカニューレを介して丸底フラスコから逐次的に添加し、混合物を１１０℃に加熱する。

【0060】

１１０℃で２２時間後、反応混合物を８０～９０℃で沪過する。沪過ケーキを毎回１００ｍｌの熱トルエン（約８０℃）で２回洗浄する。

【0061】

沪液を合わせ、室温で毎回２１７ｇの１４％塩化ナトリウム溶液で２回洗浄する。

【0062】

有機相を減圧下で濃縮する。１５７ｇのイソプロパノールを蒸留ボトムに添加する。６０℃に加熱して溶液を得、この溶液を７～８時間にわたり２０℃に冷却する。結晶化した生成物を沪別する。沪過ケーキを毎回３９ｇの冷イソプロパノールで２回洗浄し、最後に、減圧下、４５℃で乾燥させる。

【0063】

４１ｇ（理論量の４１％）の生成物が単離される。

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BB20 BB31 BB42 BC31 BC32 BC33
4H039 CA71 CD10 CD20

【外国語明細書】

Process for coupling benzylamines with haloaromatics

The invention provides a process for coupling benzylamines with haloaromatics to give the corresponding arylated benzylamines using a base and a catalyst comprising a palladium compound and a bisaryldialkylphosphine.

Arylated benzylamines find wide use as synthesis units and active substance components; see, for example, WO-A-02/00612.

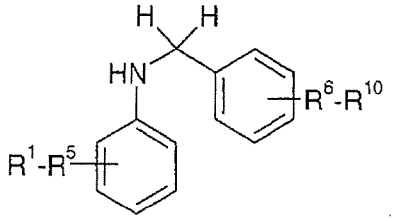
It is known that arylated benzylamines can be prepared by reacting aniline derivatives with benzyl chlorides (cf. H.G.O. Becker, Organikum, 19th ed., Barth Dt. Verlag der Wiss. 1993, p.451, ISBN 3-335-00343-8). However, a disadvantage of this process is that correspondingly functionalized anilines and benzyl chlorides are in many cases obtainable only with difficulty.

The preparation of arylated benzylamines by means of a palladium-catalysed amination reaction of chloroaromatics is described, for example, in J. Org. Chem. 2002, 67, 5553-5566, or that of bromoaromatics in J. Org. Chem. 2000, 65, 1158-1174. The solvents used here include polar solvents, for example dimethoxyethane, or nonpolar aprotic solvents, for example toluene. However, in-house investigations have found that only incomplete conversion to the desired arylated benzylamine is achieved when some reactants are converted by the process described.

There is accordingly a need to provide a process for preparing arylated benzylamines from the corresponding haloaromatics and benzylamines.

It has been found that, surprisingly, the preparation of arylated benzylamines from the corresponding haloaromatics and benzylamines succeeds in good yields when the reaction is effected in mixtures of nonpolar aprotic solvents and polar, protic or aprotic solvents.

The present invention thus provides a process for preparing compounds of the general formula (I)

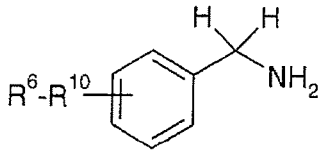


(I)

where

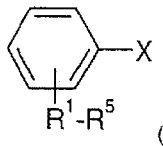
R^1 to R^{10} are each independently hydrogen, C_1-C_{12}-alkyl, C_1-C_{12}-alkoxy, C_4-C_{18}-aryl or C_5-C_{19}-arylalkyl, C_1-C_{12}-alkoxy, C_1-C_{12}-fluoroalkoxy, nitrile, ester, amide, ketone, aldehyde, hydroxyl, carboxyl or fluorine,

by reacting compounds of the general formula (II),



(II)

where R^6 to R^{10} are each as defined above for the general formula (I)
with compounds of the general formula (III)



(III)

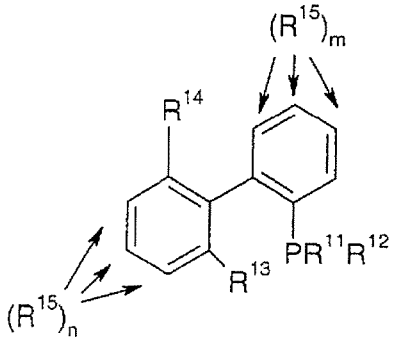
where

X is chlorine, bromine or iodine and

R^1-R^5 are each as defined above for the general formula (I),

characterized in that the reaction is effected

- in the presence of at least one palladium complex which bears, as ligands, at least one compound of the general formula (IV)



(IV)

where

R^{11} and R^{12} are each independently C_1-C_{12}-alkyl or C_5-C_{19}-arylalkyl,

R^{13} and R^{14} are each independently hydrogen, C_1-C_6-alkyl, C_1-C_6-dialkylamino or C_1-C_6-alkoxy,

the R^{15} radicals are each independently hydrogen, C_1-C_{12}-alkyl, C_1-C_{12}-alkoxy, C_1-C_{12}-fluoroalkyl, C_1-C_{12}-fluoroalkoxy, fluorine, C_4-C_{18}-aryl or C_5-C_{19}-arylalkyl, and the arrows indicate the possible bonding sites to the particular aryl radical, and

n and m are each independently 0, 1, 2, or 3

and

- in the presence of mixtures of organic solvents comprising at least one solvent selected from the group consisting of optionally substituted aromatic hydrocarbons and at least one polar solvent

and

- in the presence of at least one alkali metal- or alkaline earth metal-containing base.

In the context of the invention, **optionally substituted aromatic hydrocarbons** are preferably understood to mean chlorine- or C_1-C_6-alkyl-substituted aromatic hydrocarbons. Suitable solvents selected from the group of optionally substituted aromatic hydrocarbons are, for example, benzene, toluene or xylene, preferably toluene.

Suitable **polar solvents** are in particular water, amides, for example N,N-dimethylformamide, N,N-dimethylacetamide, N-methylformanilide or N-methylpyrrolidone, ethers, for example diethyl ether, methyl tert-butyl ether, diisopropyl ether, dioxane, tetrahydrofuran, ethylene glycol dimethyl or ethylene glycol diethyl ether; alcohols, for example methanol, ethanol, n- or i-propanol, tert-butanol, ethylene glycol monomethyl ether, ethylene glycol monoethyl ether, diethylene glycol monomethyl ether or diethylene glycol monoethyl ether, or tertiary amines, for example tri-n-butylamine or triethylamine.

Preference is given to mixtures which comprise at least one polar solvent selected from water, amides, ethers, alcohols or tertiary amines.

Particular preference is given to a mixture comprising toluene and at least one polar solvent selected from N,N-dimethylformamide, N,N-dimethylacetamide, N-methylformanilide and N-methylpyrrolidone.

Especially preferred are mixtures comprising toluene and N,N-dimethylformamide.

Preference is given to using a mixture composed of at least 60% by volume of the optionally substituted aromatic hydrocarbon and at most 40% by volume of the polar solvent. In a preferred embodiment of the process, a mixture of at least two parts by volume of the aromatic hydrocarbon and at most one part by volume of the polar solvent is used. It may be particularly preferred when the polar solvent, in addition, is present in the mixture at least to an extent of 10% by volume, and the aromatic hydrocarbon to an extent of at most 90% by volume.

Especially preferably, a mixture of 70% by volume of toluene and 30% by volume of N,N-dimethylformamide is used.

The scope of the invention encompasses all radical definitions, parameters and illustrations above and listed below, in general or within areas of preference, with one another, i.e. also between the particular areas and areas of preference in any combination.

Alkyl and **alkoxy** each independently represent a straight-chain, cyclic, branched or unbranched alkyl and alkoxy radical respectively, and the radicals mentioned may be further substituted. The same applies to the alkylene moiety of an arylalkyl radical.

C_1-C_6-Alkyl is, for example and with preference, methyl, ethyl, n-propyl, isopropyl, n-butyl, sec-butyl, tert-butyl, n-pentyl, 1-methylbutyl, 2-methylbutyl, 3-methylbutyl, neopentyl, 1-ethylpropyl, cyclohexyl, cyclopentyl, n-hexyl; **C_1-C_{12}-alkyl** is additionally, for example, n-heptyl, n-octyl, n-decyl and n-dodecyl.

C_1-C_6-Alkoxy is, for example and with preference, methoxy, ethoxy, n-propoxy, isopropoxy, n-butoxy, sec-butoxy, tert-butoxy, n-pentoxy, cyclohexoxy, cyclopentoxy, n-hexoxy; **C_1-C_{12}-alkoxy** is additionally, for example, n-heptoxy, n-octoxy, n-decoxy and n-dodecoxy.

Fluoroalkyl is in each case independently a straight-chain, cyclic, branched or unbranched alkyl radical, which is singly, multiply or fully substituted by fluorine atoms.

For example, C_1-C_{12}-fluoroalkyl is trifluoromethyl, 2,2,2-trifluoroethyl, pentafluoroethyl, nonafluorobutyl, heptafluoroisopropyl, perfluorooctyl and perfluorododecyl.

Aryl is either a heteroaromatic radical having 5 to 18 skeleton carbon atoms, in which no, one, two or three skeleton carbon atoms per cycle, but at least one skeleton carbon atom in the entire

molecule, may be substituted by heteroatoms selected from the group of nitrogen, sulphur or oxygen, or a carbocyclic aromatic radical having 6 to 18, preferably 6 to 10 skeleton carbon atoms.

Examples of mono-, bi- or tricyclic carbocyclic aromatic radicals having 6 to 18 skeleton carbon atoms are phenyl, biphenylyl, naphthyl, phenanthrenyl, anthracenyl or fluorenyl, mono-, bi- or tricyclic heteroaromatic radicals having 5 to 18 skeleton carbon atoms, in which no, one, two or three skeleton carbon atoms per cycle, but at least one skeleton carbon atom in the entire molecule, may be substituted by heteroatoms selected from the group of nitrogen, sulphur or oxygen, are, for example, pyridinyl, oxazolyl, benzofuranyl, dibenzofuranyl or quinolinyl.

In addition, the carbocyclic aromatic radical or heteroaromatic radical may be substituted by up to five identical or different substituents per cycle which are selected from the group of fluorine, cyano, C_1-C_{12}-alkyl, C_1-C_{12}-fluoroalkyl, C_1-C_{12}-fluoroalkoxy, C_1-C_{12}-alkoxy or di(C_1-C_8-alkyl)amino.

Arylalkyl is in each case independently a straight-chain, cyclic, branched or unbranched alkyl radical as defined above, which may be substituted singly, multiply or fully by aryl radicals as defined above. One example of arylalkyl radicals is benzyl.

The preferred substitution patterns for the general formulae (I), (II) and (III) are defined below:

R^1 to R^4	are preferably each hydrogen
R^5	is preferably a cyclic alkyl radical
R^6 to R^9	are preferably each hydrogen
R^{10}	is preferably an ester radical and
X	is preferably chlorine or bromine, more preferably chlorine.

A particularly preferred compound of the general formula (I) is methyl N-(4-cyclohex-1-enylphenyl)-4-methylaminobenzoate. A particularly preferred compound of the general formula (III) is 4-cyclohex-1-enylchlorobenzene. A particularly preferred compound of the general formula (II) is methyl 4-methylaminobenzoate.

The preferred substitution patterns for the general formula (IV) are defined below:

R^{11} and R^{12} are each independently isopropyl, tert-butyl, cyclopentyl, or cyclohexyl, more preferably each identically the aforementioned radicals and more preferably each identically isopropyl,

R^{13} and R^{14} are preferably each independently methyl, dimethylamino, ethyl, isopropyl and methoxy, more preferably each identically aforementioned radicals and most preferably each identically isopropyl,

n is preferably 0 or 1,

m is preferably 0 and

R^{15} is independently methyl, ethyl, isopropyl or methoxy.

A particularly preferred compound of the general formula (IV) is 2-dicyclohexylphosphino-2'-(N,N-dimethylamino)biphenyl.

The compounds of the general formula (IV) are known from the literature and can be prepared, for example, according to S. Kaye, J. M. Fox, F. A. Hicks, S. L. Buchwald, Adv. Synth. Catal. 2001, 343, 8, 789-794.

Useful palladium complexes which, as ligands, have at least one compound of the general formula (IV) are, for example, isolated or preformed palladium complexes containing at least one compound of the general formula (IV) or those which are obtained by reacting a palladium precursor with at least one compound of the general formula (IV) in the reaction medium. The palladium complexes used for the process are preferably obtained by reacting a palladium precursor with at least one compound of the general formula (IV).

Suitable palladium precursors are all palladium compounds which can react with compounds of the general formula (IV) to form palladium-phosphorous coordination.

Preferred palladium precursors are Pd_2(dibenzylideneacetone)$_3$, allylpalladium chloride or bromide, or palladium compounds of the general formula (Va)

$$PdY^1_2 \qquad \text{(Va)}$$

where

Y^1 is an anion, preferably chloride, bromide, acetate, propionate, nitrate, methanesulphonate, trifluoromethanesulphonate, acetylacetonate, allyl or cyclopentadienyl,

or palladium compounds of the general formula (Vb)

$$PdY^2{}_2L_2 \qquad (Vb)$$

where

Y^2 is an anion, preferably chloride, bromide, acetate, methanesulphonate or trifluoromethanesulphonate, nonafluorobutanesulphonate, tetrafluoroborate or hexafluorophosphate,

L is in each case a nitrile, preferably acetonitrile, benzonitrile or benzyl nitrile, or an olefin, preferably cyclohexene or cyclooctene, or

L_2 together is a diolefin, preferably norbornadiene or 1,5-cyclooctadiene.

Preferred palladium precursors are palladium(II) acetate or $[Pd_2(dba)_3]$.

Especially when the palladium complexes used are obtained by reacting a palladium precursor with at least one compound of the general formula (IV) in the reaction medium, the molar ratio of palladium to compounds of the general formula (IV) may, for example, be 1 to 4, but preferably 1.5 to 3.5 and more preferably 1.8 to 3.2, in particular exactly 2.

The molar ratio of palladium to compounds of the general formula (III) may, for example, be 0.000001 to 0.05, but preferably 0.001 to 0.03 and more preferably 0.005 to 0.02.

The process according to the invention is carried out in the presence of at least one alkali metal- or alkaline earth metal-containing base. Alkali metal- or alkaline earth metal-containing bases are, for example and with preference, alkali metal or alkaline earth metal hydroxides, alkali metal or alkaline earth metal carbonates, or alkali metal or alkaline earth metal alkoxides, more preferably alkali metal or alkaline earth metal hydroxides, for example lithium hydroxide, sodium hydroxide, potassium hydroxide or calcium hydroxide, alkali metal or alkaline earth metal carbonates, for example potassium carbonate or caesium carbonate, or alkali metal alkoxides, for example sodium methoxide, sodium ethoxide, sodium n- or i-propoxide, sodium n-, i-, s- or t-butoxide, or potassium methoxide, potassium ethoxide, potassium n- or i-propoxide, or potassium n-, i-, s- or t-butoxide. Very particular preference is given to potassium phosphate, sodium hydroxide or potassium hydroxide, or sodium tert-butoxide or potassium tert-butoxide. In a preferred embodiment, potassium phosphate is used.

The molar ratio of alkali metal- or alkaline earth metal-containing base to compounds of the general formula (III) may, for example, be 0.9 to 1.5. Larger amounts are likewise possible but uneconomic. The molar ratio is preferably 1.0 to 1.4 and more preferably 1.2.

The molar ratio of the compound of the general formula (II) to compounds of the general formula (III) may, for example, be 1 to 2. Larger amounts are possible but uneconomic. The molar ratio is preferably 1.0 to 1.4 and more preferably 1.1.

The reaction temperature may, for example, be 40 to 150°C, preferably 60 to 110°C, more preferably 95 to 105°C; the reaction pressure selected is, for example, any pressure from 0.5 to 100 bar; preference is given to ambient pressure.

Any reaction times are suitable. For example, the reaction time may be 0.5 to 48 h, preferably 4 to 24 h, more preferably 6 to 24 h.

In the inventive manner, it is possible to obtain compounds of the general formula (I) more flexibly in higher purity and/or higher yield and/or in a simpler manner than has been possible to date with the known processes described by way of introduction.

Examples

Example 1 (inventive):

A 1 l flat-flanged beaker with thermometer, reflux condenser and septum is initially charged with 60 g of 1-chloro-4-cyclohex-1-enylbenzene, 72 g of methyl 4-(aminomethyl)benzoate, 250 ml of toluene and 125 ml of DMF. 79.2 g of tripotassium phosphate are introduced with stirring.

The apparatus is evacuated three times and aerated again with nitrogen each time.

Subsequently, a solution of 0.7 g of palladium acetate and 2.5 g of 2-dicyclohexylphosphino-2'-(N,N-dimethylamino)biphenyl dissolved in 7.0 g of THF is added at room temperature from a round-bottomed flask via a cannula, and the mixture is heated to 110°C.

After 22 hours at 110°C, the reaction mixture is filtered at 80-90°C. The filter cake is washed twice with 100 ml each time of hot toluene (approx. 80°C).

The filtrates are combined and washed at room temperature twice with 217 g each time of a 14% sodium chloride solution.

The organic phase is concentrated under reduced pressure. 157 g of isopropanol are added to the distillation bottoms. Heating to 60°C affords a solution which is cooled to 20°C over 7-8 hours. The crystallized product is filtered off. The filter cake is washed twice with 39 g each time of cold isopropanol and finally dried at 45°C under reduced pressure.

76 g (76% of theory) of product are isolated.

Example 2 (not inventive):

A 1 l flat-flanged beaker with thermometer, reflux condenser and septum is initially charged with 60 g of 1-chloro-4-cyclohex-1-enylbenzene, 72 g of methyl 4-(aminomethyl)benzoate and 350 ml of DMF. 79.2 g of tripotassium phosphate are introduced with stirring.

The apparatus is evacuated three times and aerated again with nitrogen each time.

Subsequently, a solution of 0.7 g of palladium acetate and 2.5 g of 2-dicyclohexylphosphino-2'-(N,N-dimethylamino)biphenyl dissolved in 7.0 g of THF is added at room temperature from a round-bottomed flask via a cannula, and the mixture is heated to 110°C.

After 22 hours at 110°C, an in-process check detects only a conversion of approx. 38%, which does not change any further even in the course of prolonged stirring time. The reaction is stopped.

Example 3 (not inventive):

A 1 l flat-flanged beaker with thermometer, reflux condenser and septum is initially charged with 60 g of 1-chloro-4-cyclohex-1-enylbenzene, 72 g of methyl 4-(aminomethyl)benzoate and 350 ml of toluene. 79.2 g of tripotassium phosphate are introduced with stirring.

The apparatus is evacuated three times and aerated again with nitrogen each time.

Subsequently, a solution of 0.7 g of palladium acetate and 2.5 g of 2-dicyclohexylphosphino-2'-(N,N-dimethylamino)biphenyl dissolved in 7.0 g of THF is subsequently added at room temperature from a round-bottomed flask via a cannula, and the mixture is heated to 110°C.

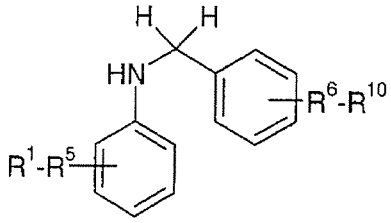
After 22 hours at 110°C, the reaction mixture is filtered at 80-90°C. The filter cake is washed twice with 100 ml each time of hot toluene (approx. 80°C).

The filtrates are combined and washed at room temperature twice with 217 g each time of a 14% sodium chloride solution.

The organic phase is concentrated under reduced pressure. 157 g of isopropanol are added to the distillation bottoms. Heating to 60°C affords a solution which is cooled to 20°C over 7-8 hours. The crystallized product is filtered off. The filter cake is washed twice with 39 g each time of cold isopropanol and finally dried at 45°C under reduced pressure.

41 g (41% of theory) of product are isolated.

1. Process for preparing compounds of the general formula (I)

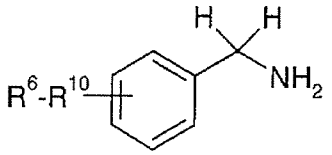


(I)

where

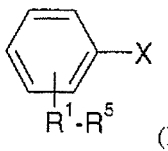
R^1 to R^{10} are each independently hydrogen, C_1-C_{12}-alkyl, C_1-C_{12}-alkoxy, C_4-C_{18}-aryl or C_5-C_{19}-arylalkyl, C_1-C_{12}-alkoxy, C_1-C_{12}-fluoroalkoxy, nitrile, ester, amide, ketone, aldehyde, hydroxyl, carboxyl or fluorine,

by reacting compounds of the general formula (II),



(II)

where R^6 to R^{10} are each as defined above for the general formula (I)
with compounds of the general formula (III)



(III)

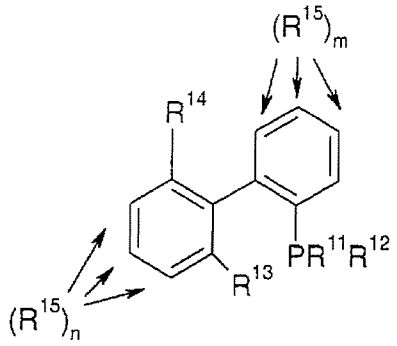
where

X is chlorine, bromine or iodine and

R^1-R^5 are each as defined above for the general formula (I),

characterized in that the reaction is effected

- in the presence of at least one palladium complex which bears, as ligands, at least one compound of the general formula (IV)



(IV)

where

R^{11} and R^{12} are each independently C_1-C_{12}-alkyl or C_5-C_{19}-arylalkyl,

R^{13} and R^{14} are each independently hydrogen, C_1-C_6-alkyl, C_1-C_6-dialkylamino or C_1-C_6-alkoxy,

the R^{15} radicals are each independently hydrogen, C_1-C_{12}-alkyl, C_1-C_{12}-alkoxy, C_1-C_{12}-fluoroalkyl, C_1-C_{12}-fluoroalkoxy, fluorine, C_4-C_{18}-aryl or C_5-C_{19}-arylalkyl, and the arrows indicate the possible bonding sites to the particular aryl radical, and

n and m are each independently 0, 1, 2, or 3

and

- in the presence of mixtures of organic solvents comprising at least one solvent selected from the group consisting of optionally substituted aromatic hydrocarbons and at least one polar solvent

and

- in the presence of at least one alkali metal- or alkaline earth metal-containing base.

2. Process according to Claim 1, characterized in that the mixture of organic solvents comprises at least one polar solvent selected from water, amides, ethers, alcohols or tertiary amines.

3. Process according to Claim 1 or 2, characterized in that the mixture of organic solvents comprises at least one aromatic hydrocarbon selected from benzene, toluene and xylene, preferably toluene.

4. Process according to at least one of Claims 1 to 3, characterized in that the mixture consists of 70% by volume of toluene and 30% by volume of N,N-dimethylformamide.

5. Process according to at least one of Claims 1 to 4, characterized in that the mixture of organic solvents contains at least 60% by volume of the aromatic hydrocarbon and at most 40% by volume of the polar solvent.

6. Process according to at least one of Claims 1 to 5, characterized in that the palladium complexes used which bear, as ligands, at least one compound of the general formula (IV) are those which are obtained by reacting a palladium precursor with at least one compound of the general formula (IV) in the reaction medium.

7. Process according to at least one of Claims 1 to 6, characterized in that the molar ratio of palladium to compounds of the general formula (IV) is 1 to 4, preferably 1.5 to 3.5, more preferably 1.8 to 3.2 and in particular exactly 2.

8. Process according to at least one of Claims 1 to 7, characterized in that the molar ratio of palladium to compounds of the general formula (III) is 0.000001 to 0.05, preferably 0.001 to 0.03 and more preferably 0.005 to 0.02.

9. Process according to at least one of Claims 1 to 8, characterized in that the alkali metal- or alkaline earth metal-containing bases used are alkali metal or alkaline earth metal hydroxides, alkali metal or alkaline earth metal carbonates, or alkali metal or alkaline earth metal alkoxides.

10. Process according to at least one of Claims 1 to 9, characterized in that the molar ratio of alkali metal- or alkaline earth metal-containing base to compounds of the general formula (III) is 0.9 to 1.5, preferably 1.0 to 1.4 and more preferably 1.2.

11. Process according to at least one of Claims 1 to 10, characterized in that the molar ratio of compounds of the general formula (II) to compounds of the general formula (III) is 1 to 2, preferably 1.0 to 1.4 and more preferably 1.1.

1 Abstract

A process is provided for preparing optionally substituted arylated benzylamines from the corresponding optionally substituted aryl halides and optionally substituted benzylamines using a specific solvent mixture, a base and a catalyst comprising a palladium compound and a bisaryldialkylphosphine.

2 Representative Drawing

None

KR Unexamined Patent Publication(A)

Bibliographic Data

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Unexamined Publication Date	2005-09-07
Agent	HWANG, Euy Man
Inventor	JU YOUNG IL
Applicant	JU YOUNG IL
Title of Invention	WATER PIPE TYPE HOT WATER SUPPLY AND HEATING BOILER FOR EFFICIENTLY TRANSFERRING HEAT AND QUICKLY SUPPLYING HOT WATER WITH 5-PASS STRUCTURE

요약

본 발명은 버너의 열이 5패스되는 구조 난방수관을 가진 수관식 온수급탕 및 온수난방 보일러에 관한 것으로서, 물이 유입되는 하부드럼과 상측의 상부드럼과의 사이에 다수의 난방수관을 버너의 화염이 하측에서부터 상측으로 방향을 바꾸면서 상승하는 5패스 구조로 형성하여 구성함으로써, 난방수관으로의 열전달 효율이 양호하고, 또한, U자형 열교환기가 난방수로 충만되어 있는 상부드럼내에 위치함으로써, 온수 급탕이 빠른 시간내에 이루어져 열손실이 적으며, 열효율이 극대화되는 효과가 있다.

Abstract

The present invention has the effect that it is included in the time having the fast warm water hot water moreover, the u-shaped heat exchanger locates within the upper drum which is full of hot-water it forms into 5 pass structure where the flame of burner rises in the lower while changing direction into the upper and it constitutes, and in that way the thermal transfer efficiency to the hot-water pipe is good and the heat loss makes a note a plurality of hot-water pipes as the invention relating to the fin tube type warm water hot water and the hot water heating boiler having the structure hot-water pipe in which the heat of burner is passed 5 between the upper drum of the upper and the lower drum in which the water flows in. And the thermal efficiency is maximized.

대표도면

도면. 3

Representative drawing

Fig. 3

명세서

Description

■ 배경기술

■ Background Art

본 발명은 버너의 열이 5패스되는 구조 난방수관을 가진 수관식 온수급탕 및 온수난방 보일러에 관한 것이다.

The invention relates to the fin tube type warm water hot water and the hot water heating boiler having the structure hot-water pipe in which the heat of burner is passed 5.

일반적으로, 난방 및 온수 겸용 가스 보일러는 가스를 연료로 하여 주열교환기 내를 순환하는 물을 가열하므로써 이를 가열되는 물을 난방 배관으로 순환시켜 난방 출력을 얻도록 함과 아울러 별도로 구비되는 온수 열교환기 측으로도 순환시켜 온수 출력을 선택적으로 얻도록 하는 것이다.

Generally, with circulating the water which is heated this by heating the water the gas to the fuel and circulates inside of the main heat exchanger, by the heating pipe and obtaining the heating output, heating and warm water combined gas boiler selectively obtain the number output has been circulate through the separately included warm water exchanger.

즉, 주열교환기에서 가열되는 물을 온수순환회로를 통해 난방 사용시와 온수 사용시로 구분하여 선택적으로 열교환이 이루어질 수 있도록 함으로써, 난방 및 온수의 사용을 겸할 수 있도록 하는 것이다.

That is, it compartmentalizes into the heating use time and warm water using time and the heat exchange is selectively included the water heated in the main heat exchanger through the hot water circulating circuit. In that way the use of the warm water and heating is combined.

이러한 수관식 온수급탕 및 온수난방 보일러는, 도1 및 도2에 도시된 바와 같이, 본체(20) 내부에 연소실(22), 연소실(22)과 연결되며 내부에는 횡수관(23)과 상부면이 내주와 이격되도록 수직가열수조(24)가 설치된 내통(25), 열교환실(26), 상기 열교환실(26)과 횡수관(23)및 수직가열수조(24)의 측부와 연결된 가열수조(27)가 구비된 수관식 보일러에 있어서, 내부가 유입실(32)과 경유실(33)및 유출실(34)로 구획되고 상기 유입실(32)과 유출실(34)에는 각각 온수급탕용 유입구(35)와 온수급탕용 유출구(36)가 형성된 헤드(37)와 상기 헤드(37)의 유입실(32)과 경유실(33) 및 경유실(33)과 유출실(34)을 연결하는 관로(38)(39)로 구성된 3-pass식 온수급탕용 열교환기(30)와, 상기 3-pass식 온수급탕용 열교환기(30)와 동일하게 구성된 3-pass식 온수난방용 열교환기(40)를 열교환실(26)내부에 관로(38)(39)(3-pass식 온수난방용 열교환기의 관로는 도시하지 않음)가 위치되면서 기밀이 유지되도록 본체(20)에 설치하고, 상기 내통(25)의 수직가열수조(24)전방에는 보조가열수조(50)를 상/하부는 내통(25)의 내주와 이격되고 양측부는 가열수조(27)에 연결되도록 설치하되 상단과 내통(25)사이의 간격은 좁고 하단과 내통(25)사이의 간격은 넓도록 내통(25)의 상부에 설치하고, 상기 보조가열수조(50)의 하부에는 횡수관(23)을 조밀하게 배열 설치한 것이다.

It is composed with 3-pass equation warm water heat exchanger for water boiling (30) consisting of this fin tube type warm water hot water and hot water heating boiler, is the combustion chamber (22) inside the main body (20) as shown in figures 1 and 2, the inner shell (25), heat exchange chamber (26), and the conduit line (38) (39) interlinking the inlet room (32) of the head (37) and it establishes in the main body (20) so that airtight maintain while the conduit line (38) (39) (the conduit line of the heat exchanger for 3-pass equation hot water heating does not show) is located the heat exchanger (40) for 3-pass equation hot water heating which is composed identically with 3-pass equation warm water heat exchanger for water boiling (30) inside the heat exchange chamber (26). As to the inner shell (25), perpendicular the heating water bath (24) is installed so that the unexpected fortune pipe (23) and upper side be separated in inside with the inner circumference while being connected to the combustion chamber (22). As to the conduit line (38) (39), inside is divided as to the heat exchange chamber (26) and tubulous boiler comprised of the side of perpendicular the heating water bath (24) and unexpected fortune pipe (23) and the connected heating water bath (27) by the inlet room (32), the light oil room (33) and overflow room (34) and the respective warm water for hot water supplying inlet port (35) and warm water for hot water supplying outlet port (36) are formed in the inlet room (32) and overflow room (34) and head (37) and light oil room (33) and light oil room (33) and overflow room (34). In perpendicular the heating water bath (24) the front of the inner shell (25), upper/lower is separated with the inner circumference of the inner shell (25) and in order to be connected to the heating water bath (27) it establishes and interval between the inner shell (25) and the upper end narrow and two part establishes the assistant heating water tub (50) on the top of the inner shell (25) so that interval between the inner shell (25) and bottom wide. The unexpected fortune pipe (23) is arrayed tightly in the lower part of the assistant heating water tub (50).

한편, 상기한 본 고안에서 3-pass식 온수급탕용 열교환기(30)와 3-pass식 온수난방용 열교환기(40)는 그 사용량이 많은 쪽의 용량을 크게하며, 본 고안에서는 수관식 온수급탕 및 온수난방 보일러에서는 주로 온수급탕이 많이 사용되므로 3-pass식 온수급탕용 열교환기(30)의 용량을 3-pass식 온수난방용 열교환기(40)의 용량보다 크게 형성한다.

In the meantime, in the above-described invention, in the heat exchanger (40) for 3-pass equation warm water heat exchanger for water boiling (30) and 3-pass equation hot water heating, the used amount bigs the capacity of many sides. And the capacity of 3-pass equation warm water heat exchanger for water boiling (30) is formed a lot than the capacity of the heat exchanger (40) for 3-pass equation hot water heating since the warm water hot water is mainly very much used in the invention in the fin tube type warm water hot water and hot water heating boiler.

이와 같이 구성된 보일러는 연소실(22)의 화염이 내통(25)으로 유입된 후 보조가열수조(50)와 그 하부에 조밀하게 설치된 횡수관(23)에 의하여 바로 연도(28)로 배출되지 못하고 보조가열수조(50) 전방에서 오랫동안 머물게 되므로, 횡수관(23)과 열교환실(26) 및 보조가열수조(50)와의 열교환이 이루어진다.

After the flame of the combustion chamber (22) flows in into the inner shell (25), the boiler composed like this way is unable to be exhausted with the unexpected fortune pipe (23) tightly installed in the assistant heating water tub (50) and lower part to immediately, the flue (28) and it for a long time stays in the assistant heating water tub (50) front. Therefore, the heat exchange with the unexpected fortune pipe (23) and heat exchange chamber (26) and assistant heating water tub (50) is included.

그리고, 3-pass식 온수급탕용 열교환기(30)의 유입구(35)를 통해서 유입실(32)로 들어온 물은 관로(38)를 통해서 경유실(33)로 이동하면서 열교환실(26)내부의 물과 열교환한 후 다른 관로(39)를 통해서 유출실(34)로 이동하면서 열교환실(26)내부의 물과 다시 열교환한 후 온수급탕용 유출구(36)로 배출된다.

And after again heat-exchanging with the water of the heat exchange chamber (26) inside while moving through the other conduit line (39) to the overflow room (34) after heat-exchanging with the water of the heat exchange chamber (26) inside while moving through the conduit line (38) to the light oil room (33), the water coming in through the inlet port (35) of 3-pass equation warm water heat exchanger for water boiling (30) into the inlet room (32) is exhausted to the warm water for hot water supplying outlet port (36).

또한, 3-pass식 온수난방용 열교환기(40)의 유입구(45)로 유입된 물 역시 상기 3-pass식 온수급탕용 열교환기(30)와 동일한 과정을 거치면서 2번에 걸쳐서 열교환실(26)내부의 물과 열교환한 후 온수난방용 유출구(46)로 배출된다.

Moreover, while passing the same course as 3-pass equation warm water heat exchanger for water boiling (30), after heat-exchanging with the water of the heat exchange chamber (26) inside, the water flowing in into the inlet port (45) of the heat exchanger (40) for 3-pass equation hot water heating is

exhausted through the second to the outlet port (46) for the hot water heating.

그러나, 상기와 같이 구성된 수관식 온수급탕 및 온수난방 보일러는, 본체(20)의 외주변에 가열수조(27)를 형성하고, 이 가열수조(27) 내의 물을 연소실(22)의 버너의 열에 의해 직접 가열하는 방식으로 열교환실(26) 내의 물이 가열되는 시간이 오래 걸리고, 이에 따라 열손실이 많아 연료의 소비량이 증가한다는 문제점이 있을 뿐만 아니라 온수 난방수를 공급하는 내통의 면적보다 온수급탕수를 공급하는 가열 수조(27)의 면적이 더 넓게 구성되어 있기 때문에 온수급탕이 효율적으로 이루어지지 않는 문제점이 있었다.

But there is a problem that it forms the heating water bath (27) on the peripheral of the main body (20). The time when the water within the heat exchange chamber (26) is heated by the mode which directly heats the water within this heating water bath (27) with the heat of the burner of the combustion chamber (22) long hangs. The warm water hot water efficiently does not accomplish because the area of the heating water bath (27) supplying the warm water boiled water is more widely composed than the area of the inner shell which the problem that the heat loss accordingly manies and the consumption of the fuel increases has, supplies the hot water heating number.

■ 발명의 내용

■ Summary of Invention

발명의 효과

Effects of the Invention

본 발명의 수관식 온수급탕 및 온수난방 보일러에 의하면, 물이 유입되는 하부드럼과 상측의 상부드럼과의 사이에 다수의 난방수관을 버너의 화염이 하측에서부터 상측으로 방향을 바꾸면서 상승하는 5패스 구조로 형성하여 구성함으로써, 난방수관으로의 열전달 효율이 양호하고, 또한, U자형 열교환기가 난방수로 충만되어 있는 상부드럼내에 위치함으로써, 온수 급탕이 빠른 시간내에 이루어져 열손실이 적으며, 열효율이 극대화되는 효과가 있다.

It has the effect that according to the fin tube type warm water hot water of the present invention and hot water heating boiler, it is included in the time having the fast warm water hot water moreover, the u-shaped heat exchanger locates within the upper drum which is full of hot-water it forms into 5 pass structure where the flame of burner rises in the lower while changing direction into the upper and it constitutes, and in that way the thermal transfer efficiency to the hot-water pipe is good and the heat loss makes a note a plurality of hot-water pipes between the upper drum of the upper and the lower drum in which the water flows in. And the thermal efficiency is maximized.

■ 도면에 대한 간단한 설명

■ Brief explanation of the drawing

도1은 본 고안에 따른 수관식 온수급탕 및 온수난방 보일러를 나타내는 단면도이고,

Figure 1 is a cross-sectional view showing the fin tube type warm water hot water according to the present invention and hot water heating boiler.

도2는 도 1의 정면도이다.

Figure 2 is a front view of fig. 1.

도3은 본 발명의 수관식 온수급탕 및 온수난방 보일러를 도시한 종단면도,

Figure 3 is a cross-sectional view showing the fin tube type warm water hot water of the present invention and hot water heating boiler

도4는 본 발명의 수관식 온수급탕 및 온수난방 보일러를 도시한 내부 사시도,

Figure 4 is an inside perspective view showing the fin tube type warm water hot water of the present invention and hot water heating boiler

도5는 본 발명의 수관식 온수급탕 및 온수난방 보일러를 다른 방향에서 본 내부 사시도,

Figure 5 is an inside perspective view looking at the fin tube type warm water hot water and hot water heating boiler in the other direction of the invention

도6a 및 도6b는 도4의 A-A, B-B선에 따른 단면도,

The fig. 6 a and fig. 6 b is the A-A of fig. 4, and the cross-sectional view according to the B-B line.

도6c 내지 도6f는 도5의 C-C, D-D, E-E 및 F-F선에 따른 단면도이다.

The fig. 6 c to the fig. 6 f the C-C of fig. 5, D-D, and the cross-sectional view according to E-E and F-F line.

<도면의 주요 부분에 대한 부호의 설명>

The description > of the denotation about the main part of <

drawing.

100 : 보일러 본체 101 : 난방수 유입구

100: boiler proper 101: heating water inlet.

106 : 버너 110 : 하부드럼

106: burner 110: lower drum.

115 : 노즐 파이프 115a : 분사홀

115: nozzle pipe 115a: spray hole.

120 : 상부드럼 125 : 난방수 유출구

120: upper drum 125: hot-water outlet port.

130 : 난방수관 131~138 : 제1 내지 제8 난방수관

130: hot-water pipe 131~ 138: the eighth hot-water pipe it scores the first.

140 : U자형 열교환기 150 : 플렌지부재

140: u-shaped heat exchanger 150: flange portion ash.

151 : 온수급탕용 유입구 152 : 온수급탕용 유출구

151: the warm water for hot water supplying inlet port 152: warm water for hot water supplying outlet port.

P1, P2, P3, P4 : 패스 공간

P1, P2, P3, P4: pass space.

■ 기술적 과제

■ Technical Task

따라서, 본 발명은 상기와 같은 문제점을 해결하기 위한 것으로써, 본 발명의 목적은 버너의 화염을 5패스시켜 가열되도록 구성한 난방수관을 가진 수관식 온수급탕 및 온수난방 보일러를 제공하는 데 있다.

Therefore, the present invention is to provide the object of the present invention is the fin tube type warm water hot water and the hot water heating boiler having the hot-water pipe which it constitutes in order to pass the flame of burner 5 and it is heated the problem as described above is solved.

따라서, 상기와 같은 목적을 실현하기 위하여 본 발명에 따른 수관식 온수급탕 및 온수난방 보일러는, 외관을 형성하는 보일러 본체의 좌측면 하부에 형성된 난방수 유입구와, 상기 보일러 본체를 지지하는 베드프레임의 상면에 길리 방향으로 설치되고, 상기 난방수 유입구를 통해 유입되는 난방수를 저장하는 저장 공간이 형성되며, 그 내부에 난방수 유입구를 통해 유입된 물을 분사시키도록 외주면에 다수의 분사홀이 형성된 노즐 파이프를 구비한 하부드럼과, 상기 베드프레임의 양측면에 세워져 상기 하부드럼의 수직선상에 위치하여 난방수의 저장공간이 형성된 상부드럼을 지지하는 측면 프레임과, 상기 하부드럼의 난방수 유입구 측 상면과 상부드럼의 일측 하면과의 사이에 수직으로 연통된 수직수관과, 상기 상부 및 하부드럼의 사이에 설치되며, 그들의 양측면에 상하로 지그재그로 형성된 홀에 연통되어 난방수 유입구를 통해 유입된 물이 충만되어 본체의 일측에 설치된 버너의 열에 의해 가열되고, 상기 버너의 화염에 의한 열이 하측에서 상측으로 5패스되도록 형성된 다수의 난방수관과, 상기 상부드럼의 내측에 삽입되어 온수급탕용 유입구 및 유출구를 가진 플렌지 부재에 체결된 U자형 열교환기를 포함하는 것을 특징으로 한다.

Therefore, it is installed between perpendicular the water pipe perpendicularly communicated between one side lower-part of the heating water inlet upper side of the lower drum, which includes the heating water inlet formed at the lower part of the left side of the boiler proper forming the hot water heating boiler, is the outer tube and fin tube type warm water hot water according to the present invention, and the nozzle pipe in order to realize the purpose as described above and the lateral frame, which is parked in both sides of the bad frame and locates on the vertical line of the lower drum and supports the upper drum in which the storage of hot-water is formed and lower drum and upper drum and top and lower drum. And it is heated in their both sideses with the heat of burner installed at one side in which the water which is communicated to the top and bottom in the hole formed as zigzag and flows in through the heating water inlet is full of of sieve As to the nozzle pipe, it is installed in the upper side of the bad frame supporting the boiler proper gilly, and the storage storing the hot-water flowing in through the heating water inlet is formed, and a plurality of spray holes is formed in the outer circumference in order to inject the water flowing in the inside through the heating water inlet. In the heat by the flame of burner is the lower, it characterizes to include the formed a plurality of hot-water pipes, and the u-shaped heat exchanger fixed and coupled in the flange member having the number for hot water supplying inlet port in order to be passed to the upper 5. The u-shaped heat exchanger fixed and coupled in the flange member having the number for hot water supplying inlet port has been being inserted into the inner side of the upper drum and outlet port.

■ 발명의 구성 및 작용

■ Structure & Operation of the Invention

이하, 본 발명의 실시예를 첨부된 도면을 참조하면서 상세히 설명한다.

Hereinafter, the working example of the present invention is explained referring to the figure particularly.

도3은 본 발명의 수관식 온수급탕 및 온수난방 보일러를 도시한 종단면도이고, 도4는 본 발명의 수관식 온수급탕 및 온수난방 보일러를 도시한 내부 사시도이며, 도5는 본 발명의 수관식 온수급탕 및 온수난방 보일러를 다른 방향에서 본 내부 사시도이며, 도6a 및 도6b는 도4의 A-A, B-B선에 따른 단면도이며, 도6c 내지 도6f는 도5의 C-C, D-D, E-E 및 F-F선에 따른 단면도이다.

Figure 3 is a cross-sectional view showing the fin tube type warm water hot water of the present invention and hot water heating boiler. Fig. 4 the inside perspective view showing the fin tube type warm water hot water of the present invention and hot water heating boiler. Fig. 5 the inside perspective view looking at the fin tube type warm water hot water of the present invention and hot water heating boiler in the other direction. The fig. 6 a and fig. 6 b the A-A of fig. 4, and the cross-sectional view according to the B-B line. And the fig. 6 c to the fig. 6 f the C-C of fig. 5, D-D, and the cross-sectional view according to E-E and F-F line.

상기한 도면에 도시된 바와 같이, 본 발명에 의한 수관식 온수급탕 및 온수난방 보일러는, 외관을 형성하는 보일러 본체(100)에는 그 좌측면 하부에 난방수 유입구(101)가 형성되고, 상기 난방수 유입구(101)를 통해 유입되는 난방수를 저장하는 저장 공간이 형성된 하부드럼(110)이 베드프레임(102)의 상면에 길이 방향으로 형성되며, 상기 베드프레임(102)의 양측면에 세워져 상기 하부드럼(110)의 수직선상에 위치하여 난방수의 저장공간이 형성된 상부드럼(120)을 지지하는 측면 프레임(103, 104)이 위치하며, 상기 하부 드럼(110)의 난방수 유입구(101) 측 상면과 상부드럼(120)의 일측 하면과의 사이에 수직수관(107)이 수직으로 연통되어 있으며, 상기 상부 및 하부드럼(120, 110)의 양측면에는 상하로 지그재그로 형성된 홀에 다수의 난방수관(130)이 연통되어 있으며, 상기 상부드럼(120)의 내측에는 U자형 열교환기(140)가 삽입되어 있으며, 이 U자형 열교환기(140)의 플렌지부(141)와 결합되어 온수급탕용 유입구(151)와 유출구(152)가 상하로 형성된 온수급탕용 플렌지부재(150)가 위치하고 있다.

In the fin tube type warm water hot water as shown in the above-described drawing, and boiler proper (100) forming the hot water heating boiler, is the outer tube, the heating water inlet (101) is formed at the lower part of the left side. The lower drum (110) in which the storage storing the hot-water flowing in through the heating water inlet (101) is formed is formed in the upper side of the bad frame (102) into the longitudinal direction. And lateral frames (103, 104) which are parked in both sides of the bad frame (102) and locate on the vertical line of the lower drum (110) and support the upper drum (120) in which the storage of hot-water is formed locate. And perpendicular the water pipe (107) is perpendicularly communicated between the heating water inlet (101) upper side of the lower drum (110) and one side lower-part of the upper drum (120). And a plurality of hot-water pipes (130) is communicated in both sides of lower drums (120, 110) and top to the top and bottom in the hole formed as zigzag. And the u-shaped heat exchanger (140) is inserted in the inner side of the upper drum (120). And the warm water for hot water supplying flange portion ash (150) in which the number for hot water supplying inlet port (151) which has been being combined with the flange portion (141) of this u-shaped heat exchanger (140) and outlet port (152) are formed into the top and bottom locates.

또한 상기 하부드럼(110)의 상면 일측인 보일러 본체(100)의 일측면에는 상기 다수의 난방수관(130) 들의 내측에서 열을 가하도록 버너(106)가 설치되어 있다.

Moreover, in one side of the one side of the top side of the lower drum (110) boiler proper (100), the burner (106) is installed in order to add the heat at the inner side of a plurality of hot-water pipe (130).

상기 하부드럼(110)의 내부에는 상가 난방수 유입구(101)를 통해 유입되는 물이 분사되도록 타측이 폐쇄되고, 외주면에 다수의 분사홀(115a)이 형성된 노즐 파이프(115)가 설치되어 있다.

The other side is closed so that the water flowing in through the upper value heating water inlet (101) be sprayed inside the lower drum (110). The nozzle pipe (115) in which a plurality of spray holes (115a) is formed in the outer circumference is installed.

상기 난방수관(130)은 상기 상부 및 하부드럼(120, 110)의 사이에 연결되어 있는 바, 도6a에 도시된 바와 같이, 상부드럼(120)의 일측 상단홀(121)에 연결된 상단으로부터 제1 디긋자형(131a)으로 절곡되고, 상기 제1 디긋자형(131a)보다 그 상하폭이 큰 제1 역디긋자형(131b)으로 절곡되며, 상기 제1 역디긋자형(131b)보다 더 상하폭이 큰 제2 디긋자형(131c)으로 절곡되어 하부드럼(110)의 일측 하단홀(111)에 그 하단에 연결되는 제1 난방수관(131)과, 상기 상부드럼(120)의 타측 상단홀(122)에 연결된 상단으로부터 이 역디긋자형으로 절곡되어 상기 하부드럼(110)의 타측 하단홀(112)에 그 하단이 연결되는 제2 난방수관(132)과, 도6b에 도시된 바와 같이, 상기 상부드럼(120)의 일측 하단홀(123)에 연결된 상단으로부터 상기 제1 디긋자형(131a)의 하단절곡면과 동일한 위치에 그 하단 절곡면이 위치하도록 제3 디긋자형(133a)으로 절곡되고, 상기 제1 난방수관(131)의 제1 역디긋자형(131b)과 동일하게 이중 절곡되며, 상기 제1 역디긋자형(131b)보다 더 상하폭이 큰 제4 디긋자형(133b)으로 절곡되어 하부드럼(110)의 일측 상단홀(113)에 그 하단에 연결되는 제3 난방수관(133)과, 상기 상부드럼(120)의 타측 하단홀(124)에 연결된 상단으로부터 이 역디긋자형으로 절곡되어 상기 하부드럼(110)의 타측 상단홀(114)에 그 하단이 연결되는 제4 난방수관(134)과, 도6c에 도시된 바와 같이, 상부드럼(120)의 일측 상단홀(121)에 연결된 상단으로부터 제1 난방수

The hot-water pipe (130) is connected between the top and lower drums (120, 110). And it is bent as shown in the fig. 6 a from the upper portion connected to one side upper end hole (121) of the upper drum (120) to the first ㄷ shape of a character (131a). It is bent to the first reverse ㄷ shape of a character (131b) in which the height bigs than the first ㄷ shape of a character (131a). And it is bent to the third ㄷ shape of a character (133a) so that it is bent to the second ㄷ shape of a character (131c) in which height more bigs than the first reverse ㄷ shape of a character (131b) and the bottom curved surface locate as shown in the first hot-water pipe (131), connected to one side lower end hole (111) of the lower drum (110) to the bottom and the second hot-water pipe (132), which is bent from the upper portion connected to the other side top hole (122) of the upper drum (120) to this reverse ㄷ shape of a character and in which the bottom is connected to the other side lower part hole (112) of the lower drum (110) and fig. 6 b from the upper end connected to one side lower end hole (123) of the upper drum (120) in the same location as the bottom curved surface of the first ㄷ shape of a character (131a). It is bent the double identically with the first reverse ㄷ shape of a character (131b) of the first hot-water pipe (131). It is bent to

관(131)의 제1 디긋자형(131a)의 상하폭보다 더 큰 제5 디긋자형(135a)으로 절곡되고, 상기 제5 디긋자형(135a)보다 그 상하폭이 작은 제2 역디긋자형(135b)으로 절곡되며, 상기 제5 디긋자형(135a)보다 더 상하폭이 큰 제6 디긋자형(135c)으로 절곡되어 하부드럼(110)의 일측 하단홀(111)에 그 하단에 연결되는 제5 난방수관(135)과, 도6d에 도시된 바와 같이, 상기 상부드럼(120)의 일측 하단홀(123)에 연결된 상단으로부터 상기 제5 디긋자형(135a)의 하단절곡면과 동일한 위치에 그 하단절곡면이 위치하도록 제7 디긋자형(136a)으로 절곡되고, 상기 제5 난방수관(135)의 제2 역디긋자형(135b)과 동일하게 절곡되며, 제8 디긋자형(136b)으로 절곡되어 하부드럼(110)의 일측 상단홀(113)에 그 하단에 연결되는 제6 난방수관(136)과, 도6e에 도시된 바와 같이, 상기 상부드럼(120)의 타측 상단홀(122)에 연결된 상단으로부터 제1 난방수관(131)의 제1 디긋자형(131a)의 하단 절곡면과 동일한 위치에 그 하단 절곡면이 위치하도록 제3 역디긋자형(137a)으로 절곡되고, 상기 제5 난방수관(135)의 제5 디긋자형(135a)의 하단 절곡면과 동일한 위치에 그 하단 절곡면이 위치하도록 제9 디긋자형(137b)으로 절곡되며, 상기 하부드럼(110)의 타측 하단홀(112)에 제4 역디긋자형(137c)으로 절곡되어 그 하단이 연결되는 제 7난방수관(137)과, 도6f에 도시된 바와 같이, 상기 상부드럼(120)의 타측 하단홀(124)에 연결된 상단으로부터 제1 난방수관(131)의 제1 디긋자형(131a)의 하단 절곡면과 동일한 위치에 그 하단 절곡면이 위치하도록 제5 역디긋자형(138a)으로 절곡되고, 상기 제7 난방수관(137)의 제9 디긋자형(137b)과 동일하게 절곡되며, 상기 하부드럼(110)의 타측 상단홀(114)에 제6 역디긋자형(138b)으로 절곡되어 그 하단이 연결되는 제8 난방수관(138)으로 이루어진다.

the fourth ⊏ shape of a character (133b) in which height more bigs than the first reverse ⊏ shape of a character (131b) and it is bent as shown in the third hot-water pipe (133), connected to one side upper end hole (113) of the lower drum (110) to the bottom and the fourth hot-water pipe (134), which is bent from the upper portion connected to the other side lower part hole (124) of the upper drum (120) to this reverse ⊏ shape of a character and in which the bottom is connected to the other side top hole (114) of the lower drum (110) and fig. 6 c from the upper portion connected to one side upper end hole (121) of the upper drum (120) to the fifth ⊏ shape of a character (135a) which more bigs than the height of the first ⊏ shape of a character (131a) of the first hot-water pipe (131). It is bent to the second reverse ⊏ shape of a character (135b) in which the height smalls than the fifth ⊏ shape of a character (135a). And it is bent to the seventh ⊏ shape of a character (136a) so that it is bent to the sixth ⊏ shape of a character (135c) in which height more bigs than the fifth ⊏ shape of a character (135a) and the bottom curved surface locate as shown in the fifth hot-water pipe (135), connected to one side lower end hole (111) of the lower drum (110) to the bottom and fig. 6 d from the upper end connected to one side lower end hole (123) of the upper drum (120) in the same location as the bottom curved surface of the fifth ⊏ shape of a character (135a). It is bent identically with the second reverse ⊏ shape of a character (135b) of the fifth hot-water pipe (135). It is bent to the eighth ⊏ shape of a character (136b) and it is included of the sixth hot-water pipe (136) connected to one side upper end hole (113) of the lower drum (110) to the bottom, the seventh hot-water pipe (137), and the eighth hot-water pipe (138). As to the seventh hot-water pipe (137), it is bent to the third reverse ⊏ shape of a character (137a) so that the bottom curved surface locate as shown in the fig. 6 e from the upper end connected to the other side top hole (122) of the upper drum (120) in the same location as the bottom curved surface of the first ⊏ shape of a character (131a) of the first hot-water pipe (131), and it is bent to the ninth ⊏ shape of a character (137b) so that the bottom curved surface locate in the same location as the bottom curved surface of the fifth ⊏ shape of a character (135a) of the fifth hot-water pipe (135), and it is bent in the other side lower part hole (112) of the lower drum (110) to the fourth reverse ⊏ shape of a character (137c) and the bottom is connected. As to the eighth hot-water pipe (138), it is bent to the fifth reverse ⊏ shape of a character (138a) so that the bottom curved surface locate as shown in the fig. 6 f from the upper end connected to the other side lower part hole (124) of the upper drum (120) in the same location as the bottom curved surface of the first ⊏ shape of a character (131a) of the first hot-water pipe (131), and it is bent identically with the ninth ⊏ shape of a character (137b) of the seventh hot-water pipe (137), and it is bent in the other side top hole (114) of the lower drum (110) to the sixth reverse ⊏ shape of a character (138b) and the bottom is connected.

상기 상부드럼(120)의 상면에는 난방수를 배출하도록 형성된 난방수 배출구(125)와, 이 난방수 배출구(125)의 일측에 수온센서를 설치하도록 장착된 제1 니플(126)과, 이 제1 니플(126)의 일측에 난방수의 과열 및 저수위를 감지하는 센서를 장착하도록 제2 니플(127)이 형성되어 있다.

In the upper side of the upper drum (120), in order to equip the sensor sensing overheat and water storage level of hot-water to one side of the hot-water vent (125), which is formed in order to discharge hot-water and the first nipple (126), which installs in order to establish the water temperature sensor in one side of this hot-water vent (125) and this first nipple (126) the second nipple (127) is formed.

상기 U자형 열교환기(140)는, U자형 관(142)의 개수가 보일러의 용량을 결정한다.

The number of u-shaped heat exchangers (140), is the u-shaped pipe (142) decides the capacity of boiler.

미설명 부호 160은 버너(106)의 화염을 본체(100) 외부로 배출하는 연도를 나타내고, 161은 하부드럼(110)의 일측에 형성되어 보일러의 작동시에는 폐쇄되어 있는 드레인 홀을 나타낸다.

The non-descripted code 160 shows the flue discharging the flame of the burner (106) to the main body (100) outside. It is formed in one side of the lower drum (110) and 161 shows the drain hole closed in on operation of boiler.

다음에 상기와 같이 구성된 본 발명의 작용 및 효과를 설명한다. 먼저, 콘트롤러 패널(도시안됨)을 조작하여 난방 및 온수 급탕을 선택하면, 수조에서 물이 난방수 유입구(101)로 유입되고, 동시에 온수급탕용 유입구(151)를 통해 U자형 열교환기

Next, action and effect of the invention constructed as described above are explained. Firstly, if the controller panel (not illustrated) is operated and heating and warm water hot water are selected, the water flows in into the water tub into

(140)내로 물이 유입된다.

the heating water inlet (101). The water at the same time flows in through the warm water for hot water supplying inlet port (151) within the u-shaped heat exchanger (140).

상기 난방수 유입구(101)를 통해 유입된 물은 이와 연통된 하부드럼(110)의 내의 노즐 파이프(115)로 유입되어 그 외주면에 형성된 분사홀(115a)을 통해 물이 분사되어 하부드럼(110) 내의 물이 하부드럼(110)의 일측 및 타측에 형성된 상단 및 하단 홀(111, 112, 113, 114)을 통해 제1 내지 제8 난방수관(131, 132, 133, 134, 135, 136, 137, 138)내로 흘러 U자형 열교환기(140)가 설치된 상부드럼(120) 내로 유입된다.

Flow within eighth hot-water pipes (131, 132, 133, 134, 135, 136, 137, 138) to flow in into the undergarment nozzle pipe (115) of the lower drum (110) communicated with this and the water is sprayed through the spray hole (115a) formed in the outer circumference and score through the upper end and bottom holes (111, 112, 113, 114) in which the water within the lower drum (110) is formed in one side and the other side of the lower drum (110) the first and the water flowing in through the heating water inlet (101) flows in within the upper drum (120) in which the u-shaped heat exchanger (140) is installed.

이와 같이, 유입된 물을 상부드럼(120)의 상부에 설치된 제1 및 제2 니플(126, 127)에 연결된 수온 및 저수위 센서에서 감지하게 되고, 이와 같이 난방수를 감지하면, 본체(100)의 하측 측면에 설치된 버너(106)가 작동하여 화염을 발생시킨다. 이 화염은 조밀하게 조립된 제1 내지 제8 난방수관의 제1 디긋자형(131a), 제4 디긋자형(133b), 제6 디긋자형(135c) 및 제8 디긋자형(136b)과, 제2 난방수관(132)의 역디긋자형 및 제4 난방수관(134)의 역디긋자형이 이루는 하부드럼(110)의 상부공간, 제6 디긋자형(135c) 및 제4 역디긋자형(137c)이 이루는 하부드럼(110)의 상부공간 및, 제8 디긋자형(136b) 및 제6 역디긋자형(138b)이 이루는 하부드럼(110)의 상부공간(P1)으로 먼저 분사(1패스)되고, 제5 및 제6 난방수관(135, 136)의 제2 역디긋자형(135b)의 하단 절곡면과 제1 및 제3 난방수관(131, 133)의 제1 역디긋자형(131b)의 하단 절곡면이 이루는 공간(P2)으로 화염의 열이 패스되고(2패스), 상기 제1 및 제3 난방수관(131, 133)의 제1 역디긋자형(131b)의 하단 절곡면과 제5 및 제6 난방수관(135, 136)의 제5 및 제7 디긋자형(135a, 136a)의 하단 절곡면이 이루는 공간(P3)으로 화염의 열이 패스되고(3패스), 상기 제5 및 제6 난방수관(135, 136)의 제5 및 제7 디긋자형(135a, 136a)의 하단 절곡면과 제7 난방수관(137)의 제9 디긋자형(137b)의 상단 절곡면이 이루는 공간(P4)으로 화염의 열이 패스되고(4패스), 제7 난방수관(137)의 제9 디긋자형(137b)의 상단 절곡면과 제1 디긋자형(131a), 제3 디긋자형(133a) 및 제2 난방수관(132)의 상부드럼(120)과의 연결부가 이루는 공간(P5)으로 화염의 열이 전달된다.

In this way, the burner (106) installed at the lower part face of the main body (100) hot-water is sensed in this way it senses from the water temperature and the low water level censor connected to the first and second nipples (126, 127) installed the water flowing in on the top of the upper drum (120) runs and flame is occurred. This flame firstly to the head-space of the lower drum (110) in which the first ⊏ shape of a character (131a) of the eighth hot-water pipe, the fourth ⊏ shape of a character (133b), and the reverse ⊏ shape of a character of the reverse ⊏ shape of a character of the sixth ⊏ shape of a character (135c) and eighth ⊏ shape of a character (136b), and the second hot-water pipe (132) and fourth hot-water pipe (134) accomplish, and the head-space (P1) of the head-space of the lower drum (110) in which the sixth ⊏ shape of a character (135c) and fourth reverse ⊏ shape of a character (137c) accomplish and the lower drum (110) in which the eighth ⊏ shape of a character (136b) and sixth reverse ⊏ shape of a character (138b) accomplish the jet (1 pass) to score the tightly assembled first. The heat of flame is passed to the space (P2) in which the bottom curved surface of the first reverse ⊏ shape of a character (131b) of the bottom curved surface of the second reverse ⊏ shape of a character (135b) of the fifth and sixth hot-water pipes (135, 136) and the first and third hot-water pipes (131, 133) accomplish. The heat of flame is passed to the space (P3) in which the bottom curved surface of the fifth of the bottom curved surface of the first reverse ⊏ shape of a character (131b) of the first and third hot-water pipes (131, 133) and the fifth and sixth hot-water pipes (135, 136) and seventh ⊏ shape of a characters (135a, 136a) accomplish. The heat of flame is passed to the space (P4) (4 pass) in which the upper end curved surface of the ninth ⊏ shape of a character (137b) of the bottom curved surface of the fifth of the fifth and sixth hot-water pipes (135, 136) and seventh ⊏ shape of a characters (135a, 136a) and seventh hot-water pipe (137) accomplish. The heat of flame is delivered to the space (P5) in which the upper end curved surface of the ninth ⊏ shape of a character (137b) of the seventh hot-water pipe (137) and the first ⊏ shape of a character (131a), and the connection part with the upper drum (120) of the third ⊏ shape of a character (133a) and the second hot-water pipe (132) accomplish.

도3의 화살표 방향으로 열이 전달되어 다수의 난방수관을 가열하여 그 내부의 물을 일정 온도의 난방수로 가열하게 된다. 이와 같이 가열된 난방수는 상부드럼(120) 내의 U자형 열교환기(140)에 열을 전달시켜 유입구(151)를 통해 유입된 물을 유출구(152)를 통해 유출될 때에는 높은 온도의 급탕수가 되어 배출된다.

The heat is delivered to the arrow direction of fig. 3 and a plurality of hot-water pipes is heated and the water of the inside is heated with the hot-water of the constant temperature. In this way, when delivering the heat in the u-shaped heat exchanger (140) within the upper drum (120) and being flown out the water flowing in through the inlet port (151) through the outlet port (152), the high boiled water of temperature becomes and the heated hot-water is exhausted.

난방수는 상부드럼(120)의 상면에 형성된 난방수 유출구(125)로 유출된다.

It is flown out into the hot-water outlet port (125) formed in the upper side of hot-water is the upper drum (120).

이와 같이 버너(106)의 화염이 공간 P1, P2, P3, P4, P5를 거치면서 다수의 난방수관을 가열하게 되므로, 빠른 속도로 가열되고, 온수 급탕이 가능하고, 열효율이 시험 결과 96%에 달한다.

In this way, the flame of the burner (106) heats a plurality of hot-water pipes while passing the space P1, P2, P3, P4, P5. Therefore, it is heated by the fast speed. The warm water hot water possibles. The thermal efficiency reaches to the test

result 96%.

청구의 범위

■ 청구 1항 :

외관을 형성하는 보일러 본체(100)의 좌측면 하부에 형성된 난방수 유입구(101)와;

상기 보일러 본체(100)를 지지하는 베드프레임(102)의 상면에 길리 방향으로 설치되고, 상기 난방수 유입구(101)를 통해 유입되는 난방수를 저장하는 저장 공간이 형성되며, 그 내부에 난방수 유입구(101)를 통해 유입된 물을 분사시키도록 외주면에 다수의 분사홀(115a)이 형성된 노즐 파이프(115)를 구비한 하부드럼(110)과;

상기 베드프레임(102)의 양측면에 세워져 상기 하부드럼(110)의 수직선상에 위치하여 난방수의 저장공간이 형성된 상부드럼(120)을 지지하는 측면 프레임(103, 104)과;

상기 하부 드럼(110)의 난방수 유입구(101) 측 상면과 상부드럼(120)의 일측 하면과의 사이에 수직으로 연통된 수직수관(107)과;

상기 상부 및 하부드럼(120, 110)의 사이에 설치되며, 그들의 양측면에 상하로 지그재그로 형성된 홀에 연통되어 난방수 유입구(101)를 통해 유입된 물이 충만되어 본체(100)의 일측에 설치된 버너(106)의 열에 의해 가열되고, 상기 버너(106)의 화염에 의한 열이 하측에서 상측으로 5패스되도록 형성된 다수의 난방수관(130)과;

상기 상부드럼(120)의 내측에 삽입되어 온수급탕용 유입구(151) 및 유출구(152)를 가진 플렌지 부재(150)에 체결된 U자형 열교환기(140)를 포함하는 것을 특징으로 하는 수관식 온수급탕 및 온수난방 보일러.

■ 청구 2항 :

제1항에 있어서,

상기 난방수관(130)은 상기 상부드럼(120)의 일측 상단홀(121)에 연결된 상단으로부터 제1 디긋자형(131a)으로 절곡되고, 상기 제1 디긋자형(131a)보다 그 상하폭이 큰 제1 역디긋자형(131b)으로 절곡되며, 상기 제1 역디긋자형(131b)보다 더 상하폭이 큰 제2 디긋자형(131c)으로 절곡되어 하부드럼(110)의 일측 하단홀(111)에 그 하단에 연결되는 제1 난방수관(131)과;

상기 상부드럼(120)의 타측 상단홀(122)에 연결된 상단으로부터 이 역디긋자형으로 절곡되어 상기 하부드럼(110)의 타측 하단홀(112)에 그 하단이 연결되는 제2 난방수관(132)과;

상기 상부드럼(120)의 일측 하단홀(123)에 연결된 상단으로부터 상기 제1 디긋자형(131a)의 하단절곡면과 동일한 위치에 그 하단 절곡면이 위치하도록 제3 디긋자형(133a)으로 절곡되고, 상기 제1 난방수관(131)의 제1 역디긋자형(131b)과 동일하게 이중 절곡되며, 상기 제1 역디긋자형(131b)보다 더 상하폭이 큰 제4 디긋자형(133b)으로 절곡되어 하부드럼(110)의 일측 상단홀(113)에 그 하단에 연결되는 제3 난방수관(133)과;

상기 상부드럼(120)의 타측 하단홀(124)에 연결된 상단으로부터 이 역디긋자형으로 절곡되어 상기 하부드럼(110)의 타측 상단홀(114)에 그 하단이 연결되는 제4 난방수관(134)과;

Scope of Claims

■ Claim 1:

It is installed between perpendicular the water pipe (107) perpendicularly communicated between one side lower-part of the heating water inlet (101) upper side of the lower drum (110): equipped with the heating water inlet (101) formed at the lower part of the left side of the boiler proper (100) forming outer tube, and the nozzle pipe (115) and lateral frames (103, 104):s which are parked in both sides of the bad frame (102) and locate on the vertical line of the lower drum (110) and support the upper drum (120) in which the storage of hot-water is formed and lower drum (110) and upper drum (120), the top and lower drums (120, 110). And it is heated in their both sideses with the heat of burner (106) installed at one side of (100) in which the water which is communicated to the top and bottom in the hole formed as zigzag and flows in through the heating water inlet (101) is full of. As to the nozzle pipe (115), it is installed in the upper side of the bad frame (102) supporting the boiler proper (100) gilly, and the storage storing the hot-water flowing in through the heating water inlet (101) is formed, and a plurality of spray holes (115a) is formed in the outer circumference in order to inject the water flowing in the inside through the heating water inlet (101). The fin tube type warm water hot water and the hot water heating boiler which includes the formed a plurality of hot-water pipes (130), and the u-shaped heat exchanger (140) fixed and coupled in the flange member (150) having the number for hot water supplying inlet port (151) so that the heat by the flame of the burner (106) be passed in the lower to the upper 5. The u-shaped heat exchanger (140) fixed and coupled in the flange member (150) having the number for hot water supplying inlet port (151) has been being inserted into the inner side of the upper drum (120) and outlet port (152).

■ Claim 2:

As to the first claim, the hot-water pipe (130) is bent from the upper portion connected to one side upper end hole (121) of the upper drum (120) to the first ⊏ shape of a character (131a). It is bent to the first reverse ⊏ shape of a character (131b) in which the height bigs than the first ⊏ shape of a character (131a). And it is bent to the third ⊏ shape of a character (133a) so that it is bent to the second ⊏ shape of a character (131c) in which height more bigs than the first reverse ⊏ shape of a character (131b) and it is bent in one side lower end hole (111) of the lower drum (110) from the upper portion connected to the other side top hole (122) of the upper drum (120) and the first hot-water pipe (131): connected to the bottom to this reverse ⊏ shape of a character and the bottom curved surface locate from the upper end connected to one side lower end hole (123) of the upper drum (120) and the second hot-water pipe (132): in which the bottom is connected to the other side lower part hole (112) of the lower drum (110) in the same location as the bottom curved surface of the first ⊏ shape of a character (131a). It is bent the double identically with the first reverse ⊏ shape of a character (131b) of the first hot-water pipe (131). It is bent to the fourth ⊏ shape of a character (133b) in which height more bigs than the first reverse ⊏ shape of a character (131b) and it is bent in one side upper end hole (113) of the lower drum (110) from the upper portion connected to the other side lower part hole (124) of the upper drum (120) and the third hot-water pipe (133): connected to the bottom to this reverse ⊏ shape of a character and it is bent from the upper portion connected to one side upper end

상부드럼(120)의 일측 상단홀(121)에 연결된 상단으로부터 제1 난방수관(131)의 제1 디긋자형(131a)의 상하폭보다 더 큰 제5 디긋자형(135a)으로 절곡되고, 상기 제5 디긋자형(135a)보다 그 상하폭이 작은 제2 역디긋자형(135b)으로 절곡되며, 상기 제5 디긋자형(135a)보다 더 상하폭이 큰 제6 디긋자형(135c)으로 절곡되어 하부드럼(110)의 일측 하단홀(111)에 그 하단에 연결되는 제5 난방수관(135)과;

상기 상부드럼(120)의 일측 하단홀(123)에 연결된 상단으로부터 상기 제5 디긋자형(135a)의 하단절곡면과 동일한 위치에 그 하단절곡면이 위치하도록 제7 디긋자형(136a)으로 절곡되고, 상기 제5 난방수관(135)의 제2 역디긋자형(135b)과 동일하게 절곡되며, 제8 디긋자형(136b)으로 절곡되어 하부드럼(110)의 일측 상단홀(113)에 그 하단에 연결되는 제6 난방수관(136)과;

상기 상부드럼(120)의 타측 상단홀(122)에 연결된 상단으로부터 제1 난방수관(131)의 제1 디긋자형(131a)의 하단 절곡면과 동일한 위치에 그 하단 절곡면이 위치하도록 제3 역디긋자형(137a)으로 절곡되고, 상기 제5 난방수관(135)의 제5 디긋자형(135a)의 하단 절곡면과 동일한 위치에 그 하단 절곡면이 위치하도록 제9 디긋자형(137b)으로 절곡되며, 상기 하부드럼(110)의 타측 하단홀(112)에 제4 역디긋자형(137c)으로 절곡되어 그 하단이 연결되는 제 7난방수관(137)과;

상기 상부드럼(120)의 타측 하단홀(124)에 연결된 상단으로부터 제1 난방수관(131)의 제1 디긋자형(131a)의 하단 절곡면과 동일한 위치에 그 하단 절곡면이 위치하도록 제5 역디긋자형(138a)으로 절곡되고, 상기 제7 난방수관(137)의 제9 디긋자형(137b)과 동일하게 절곡되며, 상기 하부드럼(110)의 타측 상단홀(114)에 제6 역디긋자형(138b)으로 절곡되어 그 하단이 연결되는 제8 난방수관(138)으로 이루어진 것을 특징으로 하는 수관식 온수급탕 및 온수난방 보일러.

hole (121) of the upper drum (120) and the fourth hot-water pipe (134): in which the bottom is connected to the other side top hole (114) of the lower drum (110) to the fifth ⊏ shape of a character (135a) which more bigs than the height of the first ⊏ shape of a character (131a) of the first hot-water pipe (131). It is bent to the second reverse ⊏ shape of a character (135b) in which the height smalls than the fifth ⊏ shape of a character (135a). And it is bent to the seventh ⊏ shape of a character (136a) so that the bottom curved surface locate from the upper end connected to one side lower end hole (123) of the upper drum (120) and the fifth hot-water pipe (135): which is bent to the sixth ⊏ shape of a character (135c) in which height more bigs than the fifth ⊏ shape of a character (135a) and is connected to one side lower end hole (111) of the lower drum (110) to the bottom in the same location as the bottom curved surface of the fifth ⊏ shape of a character (135a). It is bent identically with the second reverse ⊏ shape of a character (135b) of the fifth hot-water pipe (135). The fin tube type warm water hot water and the hot water heating boiler which is bent to the eighth ⊏ shape of a character (136b) and is included of the sixth hot-water pipe (136) connected to one side upper end hole (113) of the lower drum (110) to the bottom, the seventh hot-water pipe (137), and the eighth hot-water pipe (138). As to the seventh hot-water pipe (137), it is bent to the third reverse ⊏ shape of a character (137a) so that the bottom curved surface locate from the upper end connected to the other side top hole (122) of the upper drum (120) in the same location as the bottom curved surface of the first ⊏ shape of a character (131a) of the first hot-water pipe (131), and it is bent to the ninth ⊏ shape of a character (137b) so that the bottom curved surface locate in the same location as the bottom curved surface of the fifth ⊏ shape of a character (135a) of the fifth hot-water pipe (135), and it is bent in the other side lower part hole (112) of the lower drum (110) to the fourth reverse ⊏ shape of a character (137c) and the bottom is connected. As to the eighth hot-water pipe (138), it is bent to the fifth reverse ⊏ shape of a character (138a) so that the bottom curved surface locate from the upper end connected to the other side lower part hole (124) of the upper drum (120) in the same location as the bottom curved surface of the first ⊏ shape of a character (131a) of the first hot-water pipe (131), and it is bent identically with the ninth ⊏ shape of a character (137b) of the seventh hot-water pipe (137), and it is bent in the other side top hole (114) of the lower drum (110) to the sixth reverse ⊏ shape of a character (138b) and the bottom is connected.

■ 청구 3항 :

제2항에 있어서,

상기 버너(106)의 화염에 의한 열은 상기 제1 내지 제8 난방수관의 제1 디긋자형(131a), 제4 디긋자형(133b), 제6 디긋자형(135c) 및 제8 디긋자형(136b)과, 제2 난방수관(132)의 역디긋자형 및 제4 난방수관(134)의 역디긋자형이 이루는 하부드럼(110)의 상부 공간(P1), 제6 디긋자형(135c) 및 제4 역디긋자형(137c)이 이루는 하부드럼(110)의 상부 공간(P1) 및, 제8 디긋자형(136b) 및 제6 역디긋자형(138b)이 이루는 하부드럼(110)의 상부공간(P1)으로 분사되고;

상기 제5 및 제6 난방수관(135, 136)의 제2 역디긋자형(135b)의 하단 절곡면과 제1 및 제3 난방수관(131, 133)의 제1 역디긋자형(131b)의 하단 절곡면이 이루는 공간(P2)으로 화염의 열이 패스되며;

상기 제1 및 제3 난방수관(131, 133)의 제1 역디긋자형(131b)의 하단 절곡면과 제5 및 제6 난방수관(135, 136)의 제5 및 제7 디긋자형(135a, 136a)의 하단 절곡면이 이루는 공간(P3)으로 화염의 열이 패스되며;

상기 제5 및 제6 난방수관(135, 136)의 제5 및 제7 디긋자형(135a, 136a)의 하단 절곡면과 제7 난방수관(137)의 제9 디긋자형(137b)의 상단 절곡면이 이루는 공간(P4)으로 화염의 열이 패스되며;

■ Claim 3:

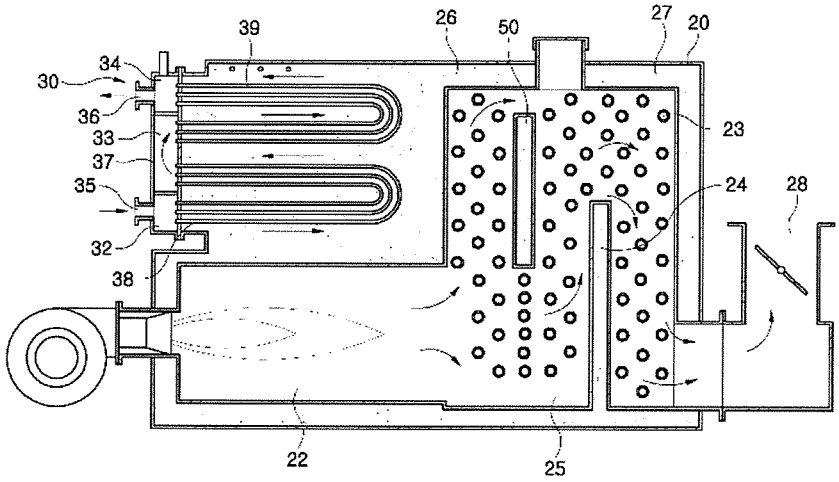
As to claim 2. While the heat of flame is passed to the space (P3) in which the bottom curved surface of the fifth of the bottom curved surface of the first reverse ⊏ shape of a character (131b) of the first and third hot-water pipes (131, 133) and the fifth and sixth hot-water pipes (135, 136) and seventh ⊏ shape of a characters (135a, 136a) accomplish while the heat by the flame of the burner (106) is sprayed to the head-space (P1) of the lower drum (110) in which the first ⊏ shape of a character (131a) of the eighth hot-water pipe, the fourth ⊏ shape of a character (133b), and the reverse ⊏ shape of a character of the reverse ⊏ shape of a character of the sixth ⊏ shape of a character (135c) and eighth ⊏ shape of a character (136b), and the second hot-water pipe (132) and fourth hot-water pipe (134) accomplish, and the head-space (P1) of the head-space (P1), of the lower drum (110) in which the sixth ⊏ shape of a character (135c) and fourth reverse ⊏ shape of a character (137c) accomplish and the lower drum (110) in which the eighth ⊏ shape of a character (136b) and sixth reverse ⊏ shape of a character (138b) accomplish to score the first and the heat of flame is passed to the space (P2) in which the bottom curved surface of the first reverse ⊏ shape of a character (131b) of the bottom curved surface of the second reverse ⊏ shape of a character (135b) of the fifth and sixth hot-water pipes (135, 136) and the first and third hot-water pipes (131, 133) accomplish, the heat of flame is passed to the space (P4) in which the upper end curved surface of the ninth ⊏ shape of a character (137b) of the bottom curved surface of the fifth of the fifth and sixth hot-water pipes (135, 136) and seventh ⊏ shape of a characters

상기 제7 난방수관(137)의 제9 디긋자형(137b)의 상단 절곡면과 제1 디긋자형(131a), 제3 디긋자형(133a) 및 제2 난방수관(132)의 상부드럼(120)과의 연결부가 이루는 공간(P5)으로 화염의 열이 패스되는 것을 특징으로 하는 수관식 온수급탕 및 온수난방 보일러.

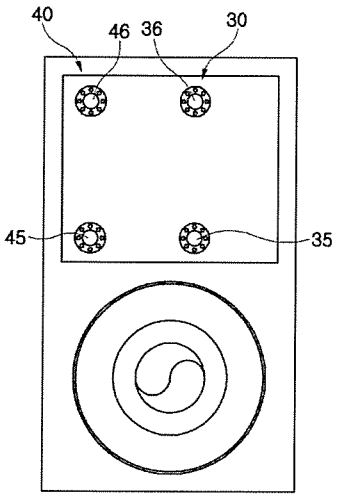
(135a, 136a) and seventh hot-water pipe (137) accomplish. The fin tube type warm water hot water and hot water heating boiler wherein the heat of flame is passed to the space (P5) in which the upper end curved surface of the ninth ㄷ shape of a character (137b) of the seventh hot-water pipe (137) and the first ㄷ shape of a character (131a), and the connection part with the upper drum (120) of the third ㄷ shape of a character (133a) and the second hot-water pipe (132) accomplish.

Drawing

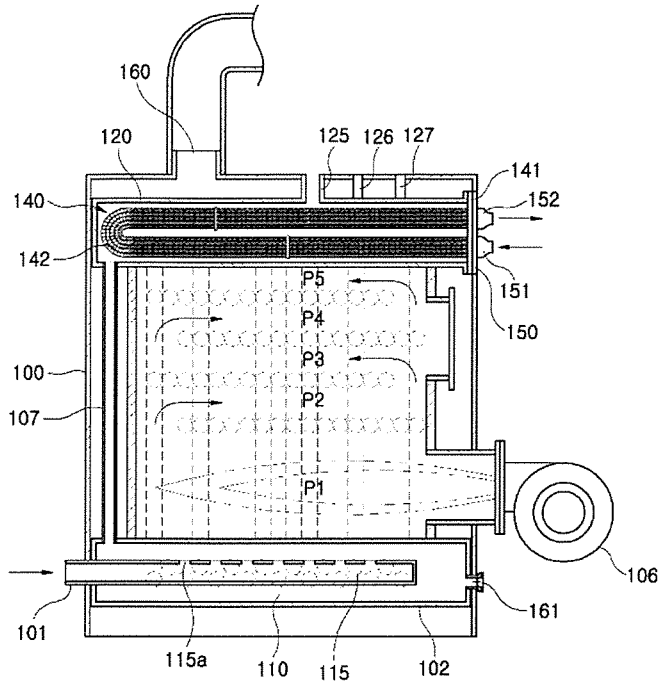
■ Fig. 1



■ Fig. 2



■ Fig. 3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120
125
126
127
141
140
152
142
151
P5
P4
150
P3
100
P2
107
P1
106
161
101
115a
110
115
102

Fig. 4

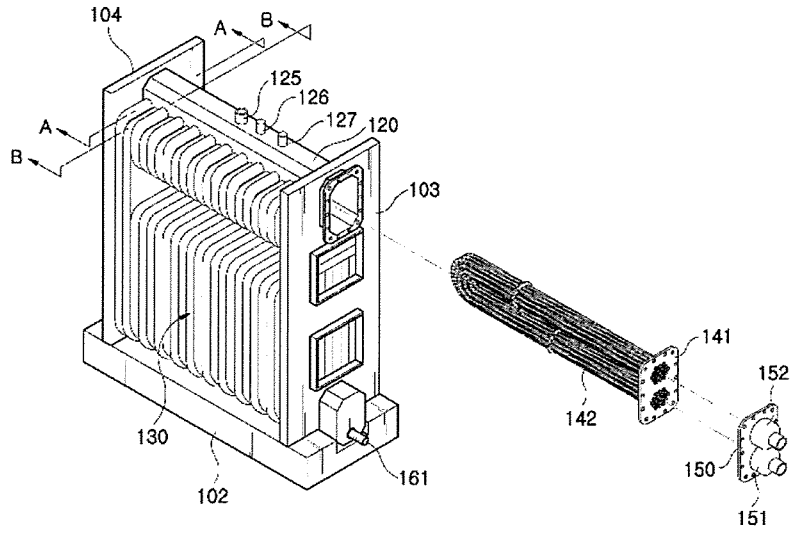
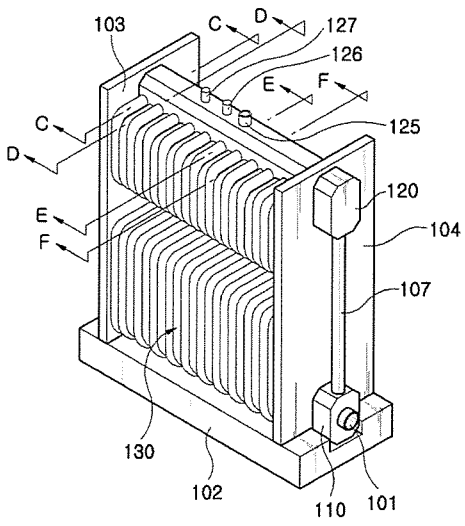
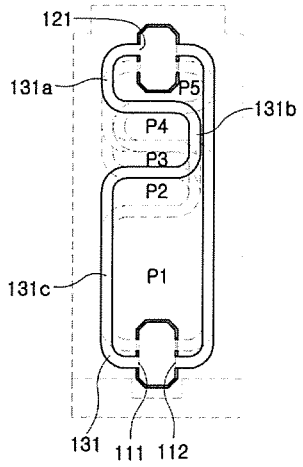

104
A
B
125
126
127
120
A
B
103
141
152
142
130
150
102
161
151

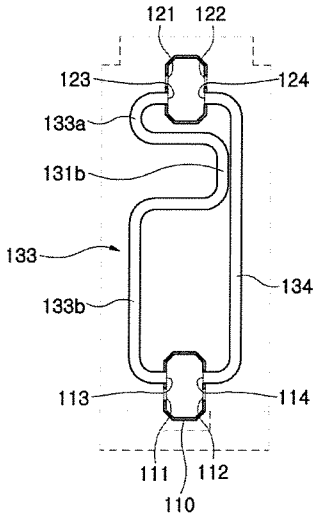
Fig. 5



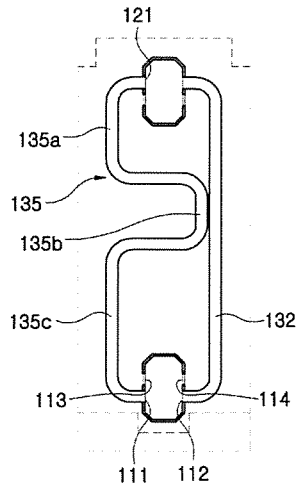
■ Fig. 6a



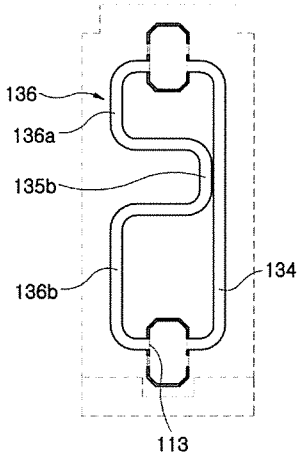
■ Fig. 6b



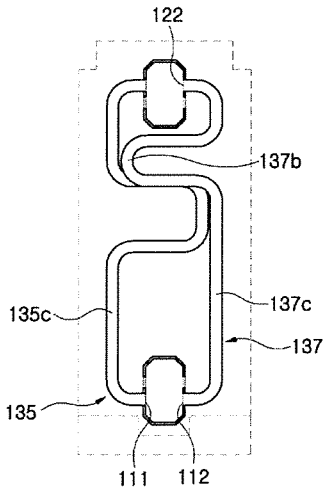
■ Fig. 6c



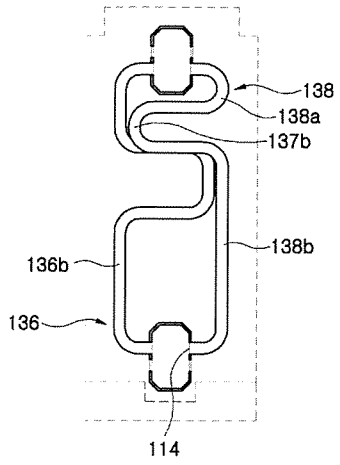
■ Fig. 6d



■ Fig. 6e



■ Fig. 6f



Legal Status

Date	Type of Document	Status
2004.03.02	[Patent Application] Patent Application	Received
2004.03.02	Patent Application	Received
2005.08.12	Request for Prior Art Search	Received
2005.09.13	Report of Prior Art Search	Received
2005.09.30	Decision to grant	completion of dispatch
2005.09.30	Decision to grant	completion of dispatch

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/033,989	02/20/2008	Randy Scott Stier	H0017608-01	7373

23490 7590 10/05/2010

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101 COLUMBIA DRIVE
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EXAMINER	
TYLER, CHERYL JACKSON	

ART UNIT	PAPER NUMBER
3744	

NOTIFICATION DATE	DELIVERY MODE
10/05/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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MORRISTOWN NJ 07962

In re Application of	:	
STIER, RANDY SCOTT	:	DECISION ON REQUEST TO
Application No. 12/033,989	:	PARTICIPATE IN PATENT
Filed: Feb. 20, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. H0017608-01	:	PROGRAM AND PETITION
Title: HEAT TRANSFER UNIT FOR HIGH REYNOLDS NUMBER FLOW	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed Oct. 1, 2010, to make the above-identified application special.

The request and petition are Dismissed.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Items #1 and # 6 above.

The oath or declaration filed on Feb. 20, 2008 fails to disclose an eligible relationship to one or more PCT applications filed in the KIPO or USPTO.

The request to participate in the PPH program and petition fail to include a copy of the PCT/KIPO cited references, namely, KR 10-2005-0088616 A published on Sep. 7, 2005. An IDS (Form 1499) listing all prior art references cited in the International Search Report must be provided, if not previously filed.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via EFS-Web.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **dismissed**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	12/033,989	Confirmation No. 7373
Applicant	:	Randy Scott Stier	
Filed	:	02-20-2008	
TC/A.U.	:	3744	
Examiner	:	Cheryl Jackson Tyler	
Docket No.	:	H0017608-01	
Customer No.	:	23490	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 14, 2010

REQUEST FOR RECONSIDERATION

Sir:

Applicants respectfully request reconsideration of the Decision on Request to Participate in the PCT-PPH Pilot Program Between KIPO and USPTO and Petition to Make Special, specifically Items #1 and #6 listed in the Decision.

As to Item #1, applicants emphasize that that the subject application, USAN 12/033,898 is the priority document for the corresponding PCT application PCT/US2008/083483, and that the Request was based on the PCT Search Report and Written Opinion as provided by KIPO.

As to Item#2, applicants note that the cited document was provided in both the Korean language and the English translation. On PAIR is is located as the last attachment to the to the Request.

Applicants respectfully ask that the Request to Participate in the PPH Program and Petition to Make Special be granted.

Respectfully submitted,

/Maryann Maas/

Maryann Maas, Reg. No. 38,954
Attorney for Applicants
(847) 391-2137 (phone)
(847) 391-2387 (fax)

MM

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
TYLER, CHERYL JACKSON	

ART UNIT	PAPER NUMBER
3744	

NOTIFICATION DATE	DELIVERY MODE
11/02/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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In re Application of	:	
STIER, RANDY SCOTT	:	DECISION ON REQUEST TO
Application No. 12/033,989	:	PARTICIPATE IN PATENT
Filed: Feb. 20, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. H0017608-01	:	PROGRAM AND PETITION
Title: HEAT TRANSFER UNIT FOR HIGH REYNOLDS NUMBER FLOW	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed Oct. 14, 2010, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Cheryl Tyler, the SPE of Art Unit 3744 and 571-272-4834 for Class 62/498 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted.**

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOSHUA D. ISENBERG
JDI PATENT
809 CORPORATE WAY
FREMONT, CA 94539

MAILED

SEP 08 2010

OFFICE OF PETITIONS

In re Application of :
Mei H. Sun et al : DECISION REFUSING STATUS
Application No. 12/034,041 : UNDER 37 CFR 1.47(a)
Filed: February 20, 2008 :
Attorney Docket No. KLA-P2140/US :

This is in response to the petition under 37 CFR 1.47(a), filed June 17, 2008.

The petition is **dismissed.**

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) set forth above.

As to item (2), the declaration is defective since it is not in compliance with 37 CFR 1.63. Since individual declarations were executed, they must be submitted as individual declarations rather than combined into one declaration. MPEP 201.03 B states,

> An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

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 Irvin Dingle at (571) 272-3210.

David Bucci
Petition 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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JOSHUA D. ISENBERG
JDI PATENT
809 CORPORATE WAY
FREMONT, CA 94539

MAILED

NOV 26 2010

OFFICE OF PETITIONS

In re Application of	:	
Mei H. Sun et al	:	DECISION GRANTING STATUS
Application No. 12/034,041	:	UNDER 37 CFR 1.47(a)
Filed: February 20, 2008	:	
Attorney Docket No. KLA-P2140/US	:	

This is a decision on the petition filed, November 11, 2010, requesting reconsideration of a decision mailed September 8, 2010, which refused to accord 37 CFR 1.47(a) status to the above-identified application.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor Wayne G. Renken has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries regarding this decision should be directed to Irvin Dingle at (571) 272-3210.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
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MAILED

NOV 26 2010

OFFICE OF PETITIONS

Wayne G. Renken
5928 Kyburz Place
San Jose, CA 95120

In re Application of
Mei H. Sun; Mark Wiltse; Wayne G. Renken; Zachary Reid; Tony Dibiase
Application No. 12/034,041
Filed: February 20, 2008
For: PROCESS CONDITION MEASURING DEVICE

Dear Mr. Renken:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join 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.

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (571) 272-3210. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington D.C. area).

David Bucci
Petitions Examiner
Office of Petitions

cc: Joshua D. Isenberg
JDI Patent
809 Corporate Way
Fremont, CA 94539

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	12034069
Filing Date	20-Feb-2008
First Named Inventor	Hajime SAKAMOTO
Art Unit	2835
Examiner Name	JEREMY NORRIS
Attorney Docket Number	322360US40CONT
Title	SEMICONDUCTOR ELEMENT, METHOD OF MANUFACTURING SEMICONDUCTOR ELEMENT, MULTI-LAYER PRINTED CIRCUIT BOARD, AND METHOD OF MANUFACTURING MULTI-LAYER PRINTED CIRCUIT BOARD

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	/Akihiro Yamazaki/
Name	Akihiro Yamazaki
Registration Number	46155

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : May 9,2011

In re Application of :

Hajime SAKAMOTO

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12034069

Filed : 20-Feb-2008

Attorney Docket No : 322360US40CONT

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed May 9,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2835 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/034,078	02/20/2008	Toshiyuki SUZUKI	2635-590	7520

23117 7590 05/02/2011

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
OLSEN, KAJ K	
ART UNIT	PAPER NUMBER
1724	
MAIL DATE	DELIVERY MODE
05/02/2011	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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

May 2, 2011

WG

In re application of Toshiyuki Suzuki et al. Serial No. 12/034,078 Filed: February 20, 2008 For: GAS SENSOR CONTROL APPARATUS DESIGNED TO ENSURE ACCURACY OF MEASUREMENT IN GAS SENSOR	:	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) to make the above-identified application special filed April 11, 2011.

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, 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;

(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 fail because:
(4) Action on this US application has begun. Specifically, a non-final action on the merits was mailed on April 13, 2011.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NEC LABORATORIES AMERICA, INC.
4 INDEPENDENCE WAY
SUITE 200
PRINCETON, NJ 08540

MAILED
SEP 14 2010
OFFICE OF PETITIONS

In re Application of	:	
Wang et al.	:	
Application No. 12/034,088	:	DECISION ON PETITION
Filed: February 20, 2008	:	
Attorney Docket No. 06044	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 13, 2010, and supplemented on September 10, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before June 10, 2010, as required by the Notice of Allowance and Fee(s) Due mailed March 10, 2010. Accordingly, the application became abandoned on June 11, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-6059.

This application is being referred to the Office of Data Management for processing into a patent.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT
AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.g

Date Mailed: December 3, 2010
Patent No. : 7,815,369 B2
Ser. No. :12/034176
Issued :October 19, 2010
Inventor(s) :Yosuke Antoku, et al.
Title METHOD OF MEASURING TEMPERATURE OF TUNNEL MAGNETORESISTIVE EFFECT ELEMENT

Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data, attorney agent/firm) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.17(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Magdalene Talley
For Mary F. Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(571) 272-0423

Oliff & Berridge, PLC
P.O. Box 320850
Alexander, VA 22320-4850

MD/mt

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED

JUN 28 2011

OFFICE OF PETITIONS

In re Patent No. 7,815,369 :
Issue Date: 10/19/2010 :
Application No. 12/034,176 : ON PETITION
Filed: 02/20/2008 :
Attorney Docket No. 135764 :

This is a decision on the petition under 37 CFR 3.81(b) filed December 14, 2010.

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. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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P.O. Box 1450
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DEC 09 2011

OFFICE OF PETITIONS

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

In re Application of :
Raghuraman :
Application No. 12/034,201 : ON APPLICATION FOR
Filed: February 20, 2008 : PATENT TERM ADJUSTMENT
Docket No. 18884US01 :

This is in response to the APPLICATION FOR RECONSIDERATION OF THE DETERMINAION OF PATENT TERM ADJUSTMENT FOR UNDER 35 U.S.C. 154(b) ACCOMPANYING THE NOTICE OF ALLOWANCE (37 C.F.R. § 1.705), filed November 30, 2011. The petition will be treated under 37 CFR 1.705(b). Applicant submits that the patent term adjustment to be indicated on the patent is six hundred eighteen (618) days, not five hundred seventy-five (575) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment.

The application for patent term adjustment is **DISMISSED.**

On August 31, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 575 days. The present petition was timely filed on November 30, 2011.

Applicant asserts the Office failed to enter a 43 day adjustment due to successful appellate review under 35 U.S.C. 154(b)(1)(C)(iii) and 37 CFR 1.702(e) because after a notice of appeal was filed on July 20, 2011, but before any decision was issued by the Board of Patent Appeals and Interference, the Office reopened prosecution and issued a notice of allowance.

As applicant concedes, the current rules do not explicitly provide a patent term adjustment in this situation. Accordingly, the petition is dismissed.

In view thereof, the determination of patent term adjustment at the time of the mailing of the notice of allowance remains 575 days -- 575 days of Office delay minus 0 days of Applicant delay.

It is noted that the Office issued a Notice of proposed rulemaking entitled Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review and Information Disclosure Statements, 76 FR 18990 (April 6, 2011). To the extent that the final rule on Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review revises the interpretation of appellate review applied in this decision, Applicant is given one (1) month or thirty (30) days, whichever is longer, from the date of the final rule to file a request for reconsideration. No extensions of time will be granted under § 1.136.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b). This fee is required and will not be refunded.

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) 272-3219.

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
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MATTINGLY & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

MAILED
DEC 01 2010
PCT LEGAL ADMINISTRATION

In re Patent of :
ISHITSU :
Patent No: 7,807,974 : DECISION ON PETITION
Application No.: 12/034,228 : UNDER 37 CFR 1.78(a)(3)
Filing Date: February 20, 2008 :
Attorney Docket No.: ASA-6252 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 29, 2010, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to the prior-filed international application set forth in the request for a certificate of correction filed concurrently with the instant petition.

The petition is **DISMISSED**.

A petition for acceptance of a late claim for 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 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 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. 35 U.S.C. 120 requires the application to contain or be amended to contain a specific reference to the prior filed application. While a certificate of correction is a correction of the patent, an amendment to the application is still required by law.

Before the petition under 37 CFR 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet (37 CFR 1.76(a)(5)) or a proper amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
Legal Examiner
Office of PCT Legal Administration
(571) 272-3303

UNITED STATES PATENT AND TRADEMARK OFFICE

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MATTINGLY & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

MAILED

JAN 11 2011

PCT LEGAL ADMINISTRATION

In re Patent of :
ISHITSU :
Patent No: 7,807,974 : DECISION ON PETITION
Application No.: 12/034,228 : UNDER 37 CFR 1.78(a)(3)
Filing Date: February 20, 2008 :
Attorney Docket No.: ASA-6252 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed December 17, 2010, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to the prior-filed international application set forth in the request for a certificate of correction filed on October 29, 2010.

The petition is **DISMISSED**.

A petition for acceptance of a late claim for 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 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 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) in that the Application Data Sheet improperly states that that U.S. Application number 12/034,228 is a 371 of international application number PCT/JP2007/053580. It is noted that the request for a certificate of correction states that U.S. Application number 12/034,228 is a continuation of international application number PCT/JP2007/053580.

Before the petition under 37 CFR 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet (37 CFR 1.76(a)(5)) or a proper amendment (complying with the

provisions of 37 CFR 1.121) to correct the above matters are required. Applicant is advised that a supplemental Application Data Sheet must be titled in accordance with 37 CFR 1.76(c)(2).

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
Legal Examiner
Office of PCT Legal Administration
(571) 272-3303

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

www.uspto.gov

MATTINGLY & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

MAILED

MAR 16 2011

PCT LEGAL ADMINISTRATION

In re Patent of	:	
ISHITSU	:	
Patent No: 7,807,974	:	DECISION ON PETITION
Application No.: 12/034,228	:	UNDER 37 CFR 1.78(a)(3)
Filing Date: February 20, 2008	:	
Attorney Docket No.: ASA-6252	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed February 2, 2011, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to the prior-filed international application set forth in the request for a certificate of correction filed on October 29, 2010.

The petition is **GRANTED**.

A review of the file record fails to disclose that a claim for the benefit of priority to the above-noted, prior-filed international application was made within the time period set forth in 37 CFR 1.78(a)(2)(ii) and further failed to include a proper reference to the prior-filed application as required by 37 CFR 1.78(a)(2)(i) and 1.78(a)(2)(iii).

Since this application was filed after November 29, 2000, a petition under 37 CFR 1.78(a)(3), along with submission of a Certificate of Correction, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed nonprovisional application after issuance of the application into a patent. See MPEP 1481.03.

The instant renewed petition satisfies the conditions of 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional application has been included in an application data sheet as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay.

This patented file is being forwarded to the Certificates of Correction Branch for processing the request for a Certificate of Correction.

Bryan Lin
Legal Examiner
Office of PCT Legal Administration
(571) 272-3303

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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WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C.
11491 SUNSET HILLS ROAD
SUITE 340
RESTON VA 20190

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Ming Xu, et al.	:	
Application No. 12/034,229	:	NOTICE
Filed: February 20, 2008	:	
Attorney Docket No. 01640603AA	:	

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) 272-2991.

/Terri Johnson
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/034,248	02/20/2008	Om Parkash	UMA0003US2	7803

23413 7590 08/19/2010
CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER	
IBRAHIM, MEDINA AHMED	
ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
08/19/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 19 2010

CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of:
Om Parkash
Serial No.: 12/034,248
Filed: February 20, 2008
Attorney Docket No.: **UMA0003US2**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed August 6, 2010, to expunge information from the above identified application. This application is now allowed.

Petitioner requests that the poster submitted to the Patent Office on September 2, 2009, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
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HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE CA 95110

MAILED
NOV 04 2010
OFFICE OF PETITIONS

In re Application of :
Lewis, et al. :
Application No. 12/034,447 : ON PETITION
Filed: February 20, 2008 :
Attorney Docket No. 53588-0540 :

This is a decision on the petition, filed August 20, 2010, under 37 CFR 1.183 and 37 CFR 1.47(a). The petition will be treated as a petition under CFR 1.183, requesting waiver of 37 CFR 1.63 and 1.67.[1]

The petition under 37 CFR 1.183 to waive 37 CFR 1.63 and 1.67 is **DISMISSED**.

The petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

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. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.183 to waive 37 CFR 1.63 and 1.67" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

While this waiver petition is not a petition under 37 CFR 1.47, it is evaluated in much the same way a Rule 47 petition is. Therefore, a grantable petition requires:

(1) a petition including proof of the pertinent facts establishing that the joint inventor refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),

[1] Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal or unavailability to sign a supplemental oath or declaration is waiver of 37 CFR 1.67. See MPEP 603.

(3) a petition fee, and
(4) the last known address of the omitted inventor.

This petition does not meet requirement (2) above.

With respect to (2) above, the supplemental declaration filed with the instant petition is not acceptable because it is not executed.

A declaration must include the citizenship of each inventor. Listing the citizenship in an Application Data Sheet (ADS) is insufficient.

35 U.S.C. 115 states,

> The applicant shall make oath that he believes himself to be the original and first inventor ... and shall state of what country he is a citizen.

35 U.S.C. 25 allows one to file a declaration in lieu of an oath, but does not remove the requirement that the declaration/oath include the citizenship of each inventor.

37 CFR 1.63(a)(3) states,

> An oath or declaration filed under § 1.51(b)(2) as a part of a nonprovisional application must ... [i]dentify the country of citizenship of each inventor.

A supplemental declaration, including the citizenship of all the inventors, must be filed. **It must be executed.** The supplemental declaration must be signed either by any inventor or by an authorized representative of the assignee (please comply with Rule 3.73(b)) or by an attorney of record on behalf of the assignee. All inventors who signed the first declaration need not sign the supplemental declaration.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

By internet: EFS-Web
www.uspto.gov/ebc/efs_help.html
(for help using EFS-Web call the
Patent Electronic Business Center
at (866) 217-9197)

Telephone inquiries 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
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HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE CA 95110

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of :
Lewis, et al. :
Application No. 12/034,447 : ON PETITION
Filed: February 20, 2008 :
Attorney Docket No. 53588-0540 :

This is a decision on the renewed petition, filed December 20, 2010, under CFR 1.183, requesting waiver of 37 CFR 1.63 and 1.67.

The petition under 37 CFR 1.183 to waive 37 CFR 1.63 and 1.67 is **GRANTED**.

Petitioner has established that copies of the above-identified application and a supplemental declaration were mailed to the non-cooperative joint inventor, William Wright, and that he did not respond to the requests that he sign the supplemental declaration and return it. In view of the constructive refusal by the joint inventor to sign the declaration, it is agreed that justice would be served by waiving the requirement for his signature on the supplemental declaration filed December 20, 2010. It is noted that Attorney Christopher J. Palermo signed the supplemental declaration on behalf of CyberSource Corporation., the assignee of record.
The aforementioned supplemental declaration has been accepted, on petition, and placed in the file.

This application is being forwarded to Technology Center G.A.U. 3693 for consideration of the request for reconsideration filed on December 20, 2010 in response to the final Office action, mailed November 16, 2010.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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PETERS VERNY , L.L.P.
425 SHERMAN AVENUE
SUITE 230
PALO ALTO CA 94306

MAILED

JUN 22 2011

OFFICE OF PETITIONS

In re Application of :
Patterson et al. :
Application No. 12/034,471 : DECISION ON PETITION
Filed: February 20, 2008 TO WITHDRAW FROM RECORD
Attorney Docket No. 5398.01 (SMC) :
:

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 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 Steven M. Colby on behalf of all attorneys of record who are associated with Customer Number 23308.

All attorneys/agents associated with the Customer Number 23308 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor at the address indicated below.

Currently, there is an outstanding Office action mailed May 2, 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: Robert A. Patterson
353 Kearny Street, Suite 41
San Francisco, CA 94108

UNITED STATES PATENT AND TRADEMARK OFFICE

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PALO ALTO CA 94306

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JUN 22 2011

OFFICE OF PETITIONS

In re Application of
Patterson et al.
Application No. 12/034,515
Filed: February 20, 2008
Attorney Docket No. 5398.02 (SMC)

DECISION ON PETITION
TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 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 Steven M. Colby on behalf of all attorneys of record who are associated with Customer Number 23308.

All attorneys/agents associated with the Customer Number 23308 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor at the address indicated below.

Currently, there is an outstanding Office action mailed April 11, 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: Robert A. Patterson
353 Kearny Street, Suite 41
San Francisco, CA 94108

UNITED STATES PATENT AND TRADEMARK OFFICE

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FISH & RICHARDSON P.C. (SD)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

OCT 29 2010

OFFICE OF PETITIONS

In re Application of :
Anthony G. Macaluso :
Application No. 12/034,518 : DECISION ON PETITION
Filed: February 20, 2008 TO WITHDRAW FROM RECORD
Attorney Docket No. 13817-0018001 :
:

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 13, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by John C. Phillips on behalf of all attorneys of record who are associated with Customer Number 20985.

All attorneys/agents associated with the Customer Number 20985 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the applicant at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Anthony G. Macaluso / Single Touch Interactive, Inc.
2235 Encinitas Boulevard, Suite 210
Encinitas, CA 92024

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOV 07 2011
OFFICE OF PETITIONS

Paper No.

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

In re Application of	:	
Dent et al.	:	DECISION ON PETITION
Application No. 12/034,539	:	PURSUANT TO
Filed: February 20, 2008	:	37 C.F.R. § 1.181(A)
Attorney Docket Number: 03-965-C	:	
Title: SYSTEM AND METHOD FOR PROVIDING REMOTE USERS WITH REPORTS AND ANALYSES BASED ON USER DATA AND ADAPTABLE REPORTING WITH THE ABILITY TO ALTER, MODIFY OR AUGMENT SUCH REPORTS AND ANALYSES THROUGH WEB-BASED TECHNOLOGY	:	

This is a decision on the petition filed October 31, 2011, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The above-identified application became abandoned for failure to submit an Appeal Brief within two-months of the filing of a Notice of Appeal, filed on March 29, 2011. No extensions of time pursuant to 37 C.F.R. § 1.136(a) were received. Accordingly, the above-identified application became abandoned on May 30, 2011. A Notice of Abandonment was mailed on October 21, 2011.

With the present petition, Petitioner has indicated that extensions of time were still available, and as such, he was in a position to purchase an extension of time.

It is noted that a Request for Continued Examination and an amendment were filed concurrently with this petition, along with a five-month extension of time.[1]

Petitioner's argument has been considered, and it has been deemed to be persuasive.

Accordingly, the petition under 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114 - the amendment submitted on October 31, 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.[2] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions

1 It is noted that October 29, 2011 fell on a Saturday.
2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PETERS VERNY , L.L.P.
425 SHERMAN AVENUE
SUITE 230
PALO ALTO CA 94306

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JUN 22 2011

OFFICE OF PETITIONS

In re Application of
Seta et al.
Application No. 12/034,571
Filed: February 20, 2008
Attorney Docket No. 5398.03 (SMC)

DECISION ON PETITION
TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 9, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest who properly became of record under 3 7 CFR 3. 71, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of the first named inventor, but rather the second named inventor.

As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed May 10, 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

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425 SHERMAN AVENUE
SUITE 230
PALO ALTO CA 94306

MAILED

JUL 11 2011

OFFICE OF PETITIONS

In re Application of :
Seta et al. :
Application No. 12/034,571 : DECISION ON PETITION
Filed: February 20, 2008 TO WITHDRAW FROM RECORD
Attorney Docket No. 5398.03 (SMC) :
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 6, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Stephen M. Colby on behalf of all attorneys of record who are associated with Customer Number 23308.

All attorneys/agents associated with the Customer Number 23308 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor at the address indicated below.

Currently, there is an outstanding Office action mailed May 10, 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: Chris Toshio Seta
353 Kearny Street, Suite 41
San Francisco, CA 94108

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02/24/11

TO SPE OF : ART UNIT: 1626 Attn: MCKANE JOSEPH K (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/034670 Patent No.: 7858598

CofC Mailroom date: 02/16/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1593 or 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

X Approved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

Joseph K McKane

JOSEPH K. McKANE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

_____ 1626
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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HOLLAND & KNIGHT LLP
10 St. James Avenue
Boston, MA 02116-3889

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DEC 06 2010

OFFICE OF PETITIONS

In re Application of	:	
Byron Johnson	:	
Application No. 12/034,735	:	DECISION ON PETITION
Filed: February 21, 2008	:	TO WITHDRAW
Attorney Docket No. 111587.00006	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 18, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Elizabeth R. Burkhard, on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Byron K. Johnson**
9859 S. Van Vlissingen
Chicago, IL 60617

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
12/034,735	02/21/2008	Byron Johnson	111587.00006

CONFIRMATION NO. 8711

54975
HOLLAND & KNIGHT LLP
10 ST. JAMES AVENUE
BOSTON, MA 02116-3889

POWER OF ATTORNEY NOTICE

OC000000044789361

Date Mailed: 12/03/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/18/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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	12034779
Filing Date	21-Feb-2008
First Named Inventor	David Breed
Art Unit	3661
Examiner Name	YONEL BEAULIEU
Attorney Docket Number	ATI-497
Title	VEHICLE DIAGNOSTIC INFORMATION GENERATING AND TRANSMISSION SYSTEMS AND METHODS

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:
(1) Petition fee; and
(2) One of the following reasons:
(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☒ Applicant(s) status remains as SMALL ENTITY.

☐ Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

◯ One or more claims are unpatentable ◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees) ◯ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).
RCE request,submission, and fee. ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on ☒ Are attached.
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES I certify, in accordance with 37 CFR 1.4(d)(4) that I am: ◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application. ◯ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity. ◯ A sole inventor ◯ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors ◯ A joint inventor; all of whom are signing this e-petition ◯ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Brian Roffe/
Name	Brian Roffe
Registration Number	35336

UNITED STATES 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 10, 2012

In re Application of :

David Breed

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12034779

Filed : 21-Feb-2008

Attorney Docket No : ATI-497

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed February 10, 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 3661 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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United States Patent and Trademark Office
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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

DEC 13 2011

OFFICE OF PETITIONS

In re Application of :
TOVINO, et al :
Application No. 12/034,892 : ON PETITION
Filed: February 21, 2008 :
Attorney Docket No. 91710-742060 :
(000300US)

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 2, 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 April 20, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). A three (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 October 21, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $930, and the submission required by 37 CFR 1.114; (2) the petition fee of $1860; and (3) a proper statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2173 for processing of the RCE and for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: ROBERT C. COLWELL
KILPATRICK TOWNSEND & STOCKTON, LLP
1080 MARSH ROAD,
MENLO PARK, CA 94025

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HOLLAND & KNIGHT LLP
10 ST. JAMES AVENUE
BOSTON, MA 02116-3889

MAILED

DEC 27 2010

OFFICE OF PETITIONS

In re Application of :
Byron Johnson :
Application No. 12/034,937 :
Filed: February 21, 2008 :
Attorney Docket No. 111587.00002 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 18, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Elizabeth R Burkhard., on behalf of the practitioners of record associated with Customer No. 54975.

Customer No. 54975 has been withdrawn as from record. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: BYRON K. JOHNSON
9859 S. VAN VLISSINGEN
CHICAGO, IL 60617

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/034,937	02/21/2008	Byron Johnson	111587.00002

CONFIRMATION NO. 9038

POWER OF ATTORNEY NOTICE

54975
HOLLAND & KNIGHT LLP
10 ST. JAMES AVENUE
BOSTON, MA 02116-3889

Date Mailed: 12/23/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/18/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Paper No.

DENNISON, SCHULTZ & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA VA 22314

MAILED

MAY 3 1 2011

OFFICE OF PETITIONS

In re Application of :
Rault et al. :
Application Number: 12/034,961 : NOTICE
Filing or 371(c) Date: 02/21/2008 :
Attorney Docket Number: 08012 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on April 19, 2011.

The Office no longer investigates or rejects original or reissue patents under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas Wood
Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : August 24 2011

TO SPE OF : ART UNIT 1714

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/035008 atent no: 7981221 B2

CofC mailroom date: 7-29-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

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: _____

M. KORNAKOV /MK/ — SPE

1714 — Art Unit

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/035,050	02/21/2008	Dan Martinelli	087165-9160-US00	9230

23409 7590 11/17/2010
MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

EXAMINER	
BUI, PHUONG T	
ART UNIT	**PAPER NUMBER**
1638	

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

NOV 17 2010

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE WI 53202

In re Application of:
Martinelli et al.
Serial No.: 12/035,050
Filed: February 21, 2008
Attorney Docket No.: **087165-9160-US00**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed November 15, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Declaration Under 37 CFR 1.132 submitted to the Patent Office on December 28, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Application of	:	
ALBENICE et al.	:	
Application No. 12/035,116	:	DECISION ON PETITION
Filed: 02/21/2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. MUCC-70	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 22, 2010, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of the prior-filed nonprovisional applications.

The petition is **GRANTED.**

A petition for acceptance of a delayed benefit claim 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 benefit claim under 35 U.S.C. 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed 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 benefit claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. 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 1785 for consideration by the examiner of applicant's entitlement to claim benefit under 35 U.S.C. 120 to the prior-filed applications.

C. T. 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
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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
12/035,116	02/21/2008	1785	1360	MUCC-70	24	2

CONFIRMATION NO. 9354

CORRECTED FILING RECEIPT

26875
WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

OC000000048552219

Date Mailed: 07/01/2011

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)

Philip J. Albenice, Brunswick, GA;
John F. Henderson, Floyds Knob, IN;
Jean Donatelli, Cincinnati, OH;
John W. Geurtsen, Holliston, MA;

Assignment For Published Patent Application

Multi-Color Corporation, Sharonville, OH

Power of Attorney: The patent practitioners associated with Customer Number 26875

Domestic Priority data as claimed by applicant

This application is a CIP of 11/358,546 02/21/2006
which is a CIP of 11/253,044 10/18/2005 PAT 7,829,163
and is a CIP of 11/260,528 10/27/2005

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 03/05/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/035,116**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

Insulating Label

Preliminary Class

428

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/035,187	02/21/2008	Dennis L. Schultze	1423-103	9479

32905 7590 12/28/2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
KUBELIK, ANNE R	

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
12/28/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DEC 2 8 2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
Dennis L. Schultze
Serial No.: 12/035,187
Filed: February 21, 2008
Attorney Docket No.: **1423-103**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed December 22, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on July 29, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/035,187	02/21/2008	Dennis L. Schultze	1423-103	9479

32905 7590 01/26/2011
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
KUBELIK, ANNE R	

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
01/26/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

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JAN 2 3 2011

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
Dennis L. Schultze
Serial No.: 12/035,187
Filed: February 21, 2008
Attorney Docket No.: **1423-103**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed December 22, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on July 21, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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SLATER & MATSIL, L.L.P.
17950 PRESTON ROAD
SUITE 1000
DALLAS TX 75252

MAILED

AUG 05 2010

OFFICE OF PETITIONS

In re Application of	:	
Hartwich et al.	:	DECISION ON PETITION
Application No. 12/035,195	:	TO WITHDRAW
Filed: February 21, 2008	:	FROM RECORD
Attorney Docket No. QIM 2005 P 52106 US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 17, 2010.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) was appointed by a specific designation, then the Request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request.

In the instant application, the practitioners were appointed via Customer Number. Therefore, requesting to withdraw without providing the Customer Number is not the appropriate course.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

The instant application is currently abandoned for failure to timely reply to the January 22, 2010 Office action. The Office will not decide requests to withdraw from representation as practitioner of record which are filed after the expiration date of a time period for reply or the expiration date of a time period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). Accordingly, any future Request to Withdraw will only be placed in the application but will not be treated on their merits.

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

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RABIN & BERDO, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

MAILED

AUG 18 2011

OFFICE OF PETITIONS

In re Application of :
YOON :
Application No. 12/035,210 : ON PETITION
Filed: February 21, 2008 :
Attorney Docket No. KYO-121 :

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 **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 26, 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). An extension of time pursuant to the provisions of 37 CFR 1.136(a) for one (1) month was obtained. Accordingly, the date of abandonment of this application is February 27, 2011. A Notice of Abandonment was mailed 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 3687 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/035,307	02/21/2008	Stephen Perl	GP-305706-FCA-CHE	9708

65798 7590 07/19/2011

MILLER IP GROUP, PLC
GENERAL MOTORS CORPORATION
42690 WOODWARD AVENUE
SUITE 200
BLOOMFIELD HILLS, MI 48304

EXAMINER	
KURPLE, KARL	

ART UNIT	PAPER NUMBER
1717	

MAIL DATE	DELIVERY MODE
07/19/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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JUL 19 2011

Mailed :
In re Application of : DECISION ON
Peri : PETITION
Serial No. 12/035,307 :
Filed: February 21, 2008 :
For: **USE OF VARIABLE FREQUENCY MICROWAVES TO CONTROL THE TEFLON PROFILE OF GAS DIFFUSION MEDIA**

This is a decision on the PETITION FILED UNDER 37 CFR 1.144 filed on May 24, 2011.

Every requirement to restrict has two aspects: (A) the reasons (as distinguished from the mere statement of conclusion) why each invention *as claimed* is either independent or distinct from the other(s); and (B) the reasons why there would be a serious burden on the examiner if restriction is not required, i.e., the reasons for insisting upon restriction there between. A serious burden on the examiner may be *prima facie* shown by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP § 808.02. That *prima facie* showing may be rebutted by appropriate showings or evidence by the applicant.

The Examiner initially required a restriction on between Group I, claims 1- 8, drawn to a method of fabricating a diffusion media, classified in class 427, subclass 595 and Group II, claims 9-19 drawn to an apparatus for producing a diffusion media classified in class 118, subclass 642.

The Examiner determined that inventions I and II were related as process and apparatus for its practice. The inventions can be distinct if it can be shown that either:

(1) the process as claimed can be practiced by another and materially different apparatus or by hand, or

(2) the apparatus as claimed can be used to practice another and materially different process. (MPEP *806.05*(e)).

In the instant case, the Examiner determined that the apparatus can be used to practice by another and materially different process, such as heating a solid object at a single radiation frequency without the removal of any solvent.

The burden is on the Examiner to provide reasonable examples that recite material differences. If Applicant proves or provides convincing argument that there is no material difference, the burden is on the Examiner to document another materially different process or apparatus or withdraw the requirement.

Applicant elected Group II, claims 9-19 with traverse. Applicant asserts that claim 9 specifically identifies the diffusion media substrate as the object being heated and that the heating apparatus varies the frequency of the electromagnetic radiation. Claim 9 states the solvent is dried and whether the solvent is removed or not has no relevance to these claims.

The Examiner's position is that an apparatus that is capable of varying the electromagnetic radiation would be capable of operating at a single frequency. The apparatus would be capable of carrying out processes which the frequency is varied or constant. The intended use clauses (i.e., for applying a solvent...for drying...to dry the substrate; and varying the frequency) do not provide structure that would prevent the apparatus from performing alternative processes.

The Examiner in the Office Action of May 11, 2011 addressed Applicant's arguments that the process can be performed by at least two distance systems as recited in claim 9-16 and 17-20. This is part of Group II. It appears the Examiner is trying to establish that the claims sets are distinct but not patentably distinct. The Examiner further cited two US Patents to demonstrate there are processes where diffusion media can be treated at a single frequency, that the apparatus would be capable of carrying this process and that an apparatus capable of heating a substrate to remove solvent would be capable heating particles without the removal of solvent.

Applicant submits that a heating apparatus that can vary the frequency of the electromagnetic radiation may also be able to operate at a single frequency for electromagnetic radiation. However the claims specifically state that the heating apparatus does operate at varying frequencies and not a single frequency.

Applicant notes the claim states "...varying the frequency of the electromagnetic radiation". Varying the frequency is not an intended use clause and should be given patentable weight. It is not clear how the citations of the two US Patents to Applicant's traversal shows that the apparatus of Group II can be used to practice another and materially different process.

12/035,307

DECISION

Applicant's remarks are persuasive.

The petition is **GRANTED.**

The restriction between Groups I and II is withdrawn.

Karen M. Young, Director
Technology Center 1700
Chemical and Materials Engineering

wk

MILLER IP GROUP, PLC
GENERAL MOTORS CORPORATION
42690 WOODWARD AVENUE
SUITE 200
BLOOMFIELD HILLS MI 48304

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KYTHERA BIOPHARMACEUTICALS, INC.
C/O FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304

MAILED

DEC 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Robert M. MORIARTY, et al	:	
Application No. 12/035,339	:	DECISION ON PETITION
Filed: February 21, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 069611-0600	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 1, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement signed by Robert M. Moriarty. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-1600.

The application is being forwarded to Technology Center Art Unit 1628 for action on the merits commensurate with this decision.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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VIERRA MAGEN MARCUS & DENIRO LLP
575 MARKET STREET, SUITE 2500
SAN FRANCISCO CA 94105

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MAR 02 2012

OFFICE OF PETITIONS

In re Application of :
Max Konev et al. :
Application No. 12/035,354 : ON PETITION
Filed: February 21, 2008
Attorney Docket No: RIGHT-01004US0 :

This is a decision on the petition filed February 7, 2012 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed July 7, 2011. A shortened statutory period of three months was set for replying to the non-Final Office Action. No response having been timely filed, this application became abandoned October 11, 2011. Accordingly, a Notice of Abandonment was mailed January 18, 2012.

Additionally, however, there is no indication that petitioner herein was ever empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision is being 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]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)).

This matter is being referred to Technology Center 2628 for appropriate action on the amendment filed January 18, 2012.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

UNITED STATES PATENT AND TRADEMARK OFFICE

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IDEATION LAW
2750 RIVERSIDE AVENUE
JACKSONVILLE FL 32205

MAILED

NOV 08 2011

OFFICE OF PETITIONS

In re Application of :
William D. MEADOW et al. :
Application No. 12/035,423 : DECISION ON PETITION
Filed: February 26, 2007 :
Attorney Docket No. RDC.0004 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 27, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed July 13, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on October 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 corrected drawings; (2) the petition fee of $930.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice of Allowability of July 13, 2011 is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Office of Data Management.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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IDEATION LAW
2750 RIVERSIDE AVENUE
JACKSONVILLE FL 32205

MAILED
DEC 16 2011
OFFICE OF PETITIONS

In re Application of	:	
William D. Meadow, et al.	:	
Application No. 12/035,423	:	DECISION DISMISSING PETITION
Filed: February 21, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. RDC.0004	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 12, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT**.

Unfortunately, the petition was not referred to the appropriate deciding official for decision until after the issuance of this application into a patent. However, petitioner's attention is directed to 37 CFR 1.313(d), which states:

> A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**. (Emphasis added)

In this case, the petition was received into the USPTO file record via electronically on December 12, 2011, how the petition to withdraw from issue had the wrong document code and was not seen until December 14, 2011 after the application had already issued. Therefore, as the case has now issued, the petition to withdraw from issue cannot be granted.

The request for continued examination (RCE) filed concurrently with the petition is improper in view of the issuance of this application into a patent and will not be processed. Accordingly, the $810 filing fee and the $130 petition fee submitted are unnecessary and will be refunded in due course.

The amendment has been made of record in the file of the above-identified application without further consideration.

Petitioner is advised, that while petitions to withdraw from issue may be filed electronically to the Commissioner for Patents, as was done in this case, applicants were cautioned to hand carry or fax petitions to withdraw from issue directly to the Office of Petitions or give the Office of

Petitions a call to inform that a petition to withdraw from issue was filed via EFS. *See* MPEP § 1308.

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Paper No.

Joseph Poff
35100 179th Ave SE
Auburn WA 98092

MAILED
AUG 26 2011
OFFICE OF PETITIONS

In re Application of :
Joseph Poff : DECISION ON PETITION
Application No. 12/035,432 :
Filed: February 21, 2008 :
Title: INTERACTIVE STRATEGIC :
GAME ILLUSTRATING EFFECTS OF :
DIFFERENT INVESTMENTS OVER :
TIME UNDER DIFFERING ECONOMIC :
CONDITIONS :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed August 15, 2011.

The petition is **GRANTED**.

On December 22, 2010, a non-final Office action was mailed in the above-identified application. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). A reply was filed on (Thursday) March 24, 2011. However, the reply was not timely. The reply did not include a certificate of mailing under 37 CFR 1.8. No extension of time for response within the first month accompanied the reply and no general authorization for such an extension was of record in the application. Accordingly, the application became abandoned effective March 23, 2011 for failure to file a timely reply. A courtesy Notice of Abandonment was mailed on June 28, 2011.

The reply was previously filed on March 24, 2011. The petition includes the required statement of unintentional delay, along with a statement of the circumstances of the abandonment to show that the delay was unintentional; and payment of the petition

fee set forth in 37 CFR § 1.17(m). No terminal disclaimer is required.

All requirements of 37 CFR 1.137(b) have been met.

Technology Center AU 3716 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on March 24, 2011.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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ASHOK TANKHA
36 GREENLEIGH DRIVE
SEWELL NJ 08080

MAILED
JAN 12 2012
OFFICE OF PETITIONS

In re
Gautam Borah
Application No. 12/035,453
Filed: February 22, 2008
Patent No. 7,984,456
Issued: July 19, 2011
Attorney Docket No. KETERA_03

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed December 15, 2011.

The fee deficiency submission under 37 CFR 1.28 of $985, representing the issue fee payment, is hereby accepted.

The change of status to large entity has been entered.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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NOV 23 2011
OFFICE OF PETITIONS

MOTOROLA MOBILITY, INC
600 NORTH US HIGHWAY 45
W2-55BB
LIBERTYVILLE IL 60048-5343

In re Application of :
Howard J. Thomas et al. :
Application No. 12/035,455 : DECISION ON PETITION
Filed: February 22, 2008 :
Attorney Docket No. CE17664 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 4, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 3, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed July 1, 2011. Accordingly, the date of abandonment of this application is October 4, 2011. A Notice of Abandonment was mailed on October 18, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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

Commissioner for Patents
United States Patent and Trademark Office
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NOV 08 2011

OFFICE OF PETITIONS

Paper No.

THE WEBB LAW FIRM, P.C.
ONE GATEWAY CENTER
420 FT. DUQUESNE BLVD, SUITE 1200
PITTSBURGH PA 15222

In re Application of	:	
Gurfinkel and Ingber	:	
Application No. 12/035,482	:	DECISION ON PETITION
Filed: February 22, 2008	:	PURSUANT TO
Attorney Docket No. 4943-080339	:	37 C.F.R. § 1.182
Title: ANTIBIOTIC SENSITIVITY TESTING METHOD	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.182, filed August 12, 2011, requesting a change in the order of the inventors.

Petitioner has submitted the petition fee, along with a listing of the order of the inventors' names that Petitioner prefers.

The petition is **GRANTED**.

The order of the names of the inventors has been changed as follows:

Gurfinkel
Ingber

A filing receipt reflecting this change is enclosed.

The concurrently submitted Supplemental Application Data Sheet has been entered and made of record.

It is noted in passing that Petitioner has requested that "the order of inventorship be changed prior to the publication of the application."[1] This request cannot be accommodated, as this application published on September 11, 2008.

The Technology Center will be notified of this decision, and

1 Petition, page 2.

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 present application can receive further processing in due course.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[2] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions

Encl. Corrected Filing Receipt

2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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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
12/035,482	02/22/2008	1653	1322	4943-080339	18	2

CONFIRMATION NO. 1072

CORRECTED FILING RECEIPT

28289
THE WEBB LAW FIRM, P.C.
ONE GATEWAY CENTER
420 FT. DUQUESNE BLVD, SUITE 1200
PITTSBURGH, PA 15222

OC000000050838312

Date Mailed: 11/07/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Jonathan Gurfinkel, Omer, ISRAEL;
Gal Ingber, Oranit, ISRAEL;

Assignment For Published Patent Application

Pocared Diagnostics, Ltd.

Power of Attorney: The patent practitioners associated with Customer Number 28289

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/904,926 03/05/2007

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 03/06/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/035,482**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Antibiotic Sensitivity Testing Method

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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UNITED STATES 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 10,2011

In re Application of : DECISION ON PETITION

David Holzer

Application No : 12035507

Filed : 22-Feb-2008

Attorney Docket No : 279521/0015

This is an electronic decision on the petition, filed November 10,2011 ,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 Office (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 present nonprovisional application is the subject of a foreign or international application filed on

02-20-2009

However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign 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 under 37 CFR 1.137(f) must be accompanied by:
(1) the 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 notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date will be viewable in Private PAIR within one (1) business day.

This application file is being directed to the Office of Data Management.

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/64a U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING UNDER 37 CFR 1.137(f)**
Application Number	12035507
Filing Date	22-Feb-2008
First Named Inventor	David Holzer
Art Unit	1648
Examiner Name	SHANON FOLEY
Attorney Docket Number	279521/0015
Title	METHOD OF TREATING BODY INSECT INFESTATION

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION UNDER 37 CFR 1.137(b).

A grantable petition requires the following items:
(1) Petition fee;
(2) Reply;
(3) 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.

Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

☒ Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requries publication of applications eighteen months after the filing. The filing date of the subsequently filed foreign or international application is 02-20-2009

☒ The non-publication request has been filed on 22-Feb-2008

☒ STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice 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 Mann/
Name	Jeffrey Mann
Registration Number	51993

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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED
APR 10 2012
OFFICE OF PETITIONS

In re Application of :
FORSTALL et al. :
Application No. 12/035,610 : DECISION ON APPLICATION
Filed: February 22, 2008 : FOR
Docket No. 18962-0087001/P5201US1 : PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)" filed March 26, 2012. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected five hundred thirty-three (533) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PALM and PAIR screens to reflect that the corrected Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is 533 days. A copy of the updated PAIR screen, showing the corrected determination, is enclosed.

A review of the application history confirms that applicants' characterization of the basis for and amounts of the adjustments and reductions of patent term in this application at the time of the mailing of the Notice of Allowance are correct.

In view thereof, the corrected determination of patent term adjustment at the time of the mailing of the Notice of Allowance is five hundred thirty-three (533) days (593 days of A delay - 60 days of applicant delay).

The Office acknowledges the payment of the $200.00 fee set forth in 37 CFR 1.18(e). 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) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PAIR Screen

Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 12/035,610

Filing or 371(c) Date:	02-22-2008	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	593
A Delays:	593	PTO Manual Adjustments:	-55
B Delays:	0	Applicant Delays:	5
C Delays:	0	Total PTA Adjustments:	533

Patent Term Adjustment History **Explanation Of Calculations**

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
158	04-09-2012	Adjustment of PTA Calculation by PTO		56	0
157	04-09-2012	Adjustment of PTA Calculation by PTO		2	0
156	04-09-2012	Adjustment of PTA Calculation by PTO	3		0
146	12-29-2011	Mail Notice of Allowance			0
145	12-20-2011	Office Action Review			0
144	12-20-2011	Office Action Review			0
143	12-20-2011	Issue Revision Completed			0
142	12-20-2011	Document Verification			0
141	12-20-2011	Notice of Allowance Data Verification Completed			0
140	12-20-2011	Case Docketed to Examiner in GAU			0
139	12-18-2011	Reasons for Allowance			0
138	12-18-2011	Allowability Notice			0
137	12-08-2011	Information Disclosure Statement considered			0
136	12-08-2011	Reference capture on IDS			0
135	12-08-2011	Request for Continued Examination (RCE)			0
134	12-09-2011	Disposal for a RCE / CPA / R129			0
133	12-08-2011	Information Disclosure Statement (IDS) Filed			0
132	12-08-2011	Information Disclosure Statement (IDS) Filed			0

131	12-08-2011	Workflow - Request for RCE - Begin	0
130	11-22-2011	Finished Initial Data Capture	0
129	10-28-2011	Export to Initial Data Capture	0
128	10-27-2011	Electronic Review	0
127	10-27-2011	Email Notification	0
126	10-27-2011	Mail Notice of Allowance	0
125	10-24-2011	Office Action Review	0
124	10-24-2011	Office Action Review	0
123	10-24-2011	Issue Revision Completed	0
122	10-24-2011	Document Verification	0
121	10-24-2011	Notice of Allowance Data Verification Completed	0
120	10-21-2011	Reasons for Allowance	0
119	10-21-2011	Allowability Notice	0
118	10-19-2011	Information Disclosure Statement considered	0
117	10-19-2011	Information Disclosure Statement (IDS) Filed	0
116	10-19-2011	Information Disclosure Statement (IDS) Filed	0
115	10-19-2011	Request for Continued Examination (RCE)	0
114	10-20-2011	Disposal for a RCE / CPA / R129	0
113	10-19-2011	Workflow - Request for RCE - Begin	0
112	10-12-2011	Email Notification	0
111	10-12-2011	Printer Rush- No mailing	0
110	10-12-2011	Mailing Corrected Notice of Allowability	0
109	10-07-2011	Office Action Review	0
108	10-07-2011	Office Action Review	0
107	10-07-2011	Office Action Review	0

106	10-06-2011	Reasons for Allowance		0
105	10-06-2011	Examiner's Amendment Communication		0
104	10-06-2011	Corrected Notice of Allowability		0
103	09-30-2011	Pubs Case Remand to TC		0
102	09-09-2011	Export to Initial Data Capture		0
101	08-11-2011	Reference capture on IDS		0
100	08-11-2011	Information Disclosure Statement (IDS) Filed	2	84
99	09-08-2011	Electronic Review		0
98	09-08-2011	Email Notification		0
97	09-08-2011	Mail Notice of Allowance		0
96	09-02-2011	Office Action Review		0
95	09-02-2011	Office Action Review		0
94	09-02-2011	Issue Revision Completed		0
93	09-02-2011	Notice of Allowance Data Verification Completed		0
92	09-01-2011	Office Action Review		0
91	09-01-2011	Office Action Review		0
90	09-01-2011	Allowed Case Returned to the Examiner for Clerical Processing		0
89	09-01-2011	Document Verification		0
88	08-27-2011	Reasons for Allowance		0
87	08-27-2011	Allowability Notice		0
86	08-11-2011	Information Disclosure Statement considered		0
84	08-09-2011	Amendment after Final Rejection		0
83	08-16-2011	Date Forwarded to Examiner		0
82	08-09-2011	Amendment after Final Rejection		0
81	08-11-	Information Disclosure Statement (IDS) Filed		0

	2011				
80	08-10-2011	Email Notification			0
79	08-10-2011	Mail Examiner Interview Summary (PTOL - 413)			0
78	07-27-2011	Office Action Review			0
77	07-27-2011	Examiner Interview Summary Record (PTOL - 413)			0
76	06-09-2011	Electronic Review			0
75	06-09-2011	Email Notification			0
74	06-09-2011	Mail Final Rejection (PTOL - 326)			0
73	06-06-2011	Office Action Review			0
72	06-04-2011	Final Rejection			0
71	05-04-2011	Information Disclosure Statement considered			0
70	02-17-2011	Information Disclosure Statement considered			0
69	05-04-2011	Information Disclosure Statement (IDS) Filed			0
67	03-11-2011	Date Forwarded to Examiner			0
66	03-09-2011	Response after Non-Final Action		3	60
65	03-09-2011	Request for Extension of Time - Granted			0
64	02-17-2011	Information Disclosure Statement (IDS) Filed			0
63	02-17-2011	Information Disclosure Statement (IDS) Filed			0
62	12-06-2010	Electronic Review			0
61	12-06-2010	Email Notification			0
60	12-06-2010	Mail Non-Final Rejection	593		0.5
59	12-01-2010	Non-Final Rejection			0
58	09-24-2008	Information Disclosure Statement considered			0
57	09-24-2008	Information Disclosure Statement considered			0
56	07-13-2009	Information Disclosure Statement considered			0

55	08-31-2009	Information Disclosure Statement considered	0
54	09-18-2009	Information Disclosure Statement considered	0
53	11-12-2009	Information Disclosure Statement considered	0
52	12-01-2009	Information Disclosure Statement considered	0
51	12-21-2009	Information Disclosure Statement considered	0
50	07-15-2010	Information Disclosure Statement considered	0
47	09-27-2010	Case Docketed to Examiner in GAU	0
46	07-15-2010	Reference capture on IDS	0
45	07-15-2010	Information Disclosure Statement (IDS) Filed	0
44	07-15-2010	Information Disclosure Statement (IDS) Filed	0
42	12-21-2009	Reference capture on IDS	0
41	12-21-2009	Information Disclosure Statement (IDS) Filed	0
40	12-01-2009	Reference capture on IDS	0
39	12-01-2009	Information Disclosure Statement (IDS) Filed	0
38	12-21-2009	Information Disclosure Statement (IDS) Filed	0
36	12-01-2009	Information Disclosure Statement (IDS) Filed	0
34	11-12-2009	Reference capture on IDS	0
33	11-12-2009	Information Disclosure Statement (IDS) Filed	0
32	07-13-2009	Reference capture on IDS	0
31	07-13-2009	Information Disclosure Statement (IDS) Filed	0
30	11-12-2009	Information Disclosure Statement (IDS) Filed	0
28	09-18-2009	Reference capture on IDS	0
27	09-18-2009	Information Disclosure Statement (IDS) Filed	0
26	08-31-2009	Reference capture on IDS	0
25	08-31-2009	Information Disclosure Statement (IDS) Filed	0

24	09-18-2009	Information Disclosure Statement (IDS) Filed	0
22	08-31-2009	Information Disclosure Statement (IDS) Filed	0
20	07-13-2009	Information Disclosure Statement (IDS) Filed	0
18	01-02-2009	Email Notification	0
17	01-02-2009	PG-Pub Issue Notification	0
16	09-24-2008	Reference capture on IDS	0
15	09-24-2008	Information Disclosure Statement (IDS) Filed	0
14	10-10-2008	Email Notification	0
13	10-10-2008	Change in Power of Attorney (May Include Associate POA)	0
12	09-24-2008	Information Disclosure Statement (IDS) Filed	0
11	09-24-2008	Information Disclosure Statement (IDS) Filed	0
10	08-26-2008	Case Docketed to Examiner in GAU	0
9	05-29-2008	IFW TSS Processing by Tech Center Complete	0
8	04-21-2008	Application Dispatched from OIPE	0
7	03-20-2008	Sent to Classification Contractor	0
6	03-20-2008	Filing Receipt	0
5	03-20-2008	Application Is Now Complete	0
4	03-11-2008	Cleared by L&R (LARS)	0
3	02-26-2008	Referred to Level 2 (LARS) by OIPE CSR	0
2	02-22-2008	IFW Scan & PACR Auto Security Review	0
1	02-22-2008	Initial Exam Team nn	0
0.5	02-22-2008	Filing date	0

Close Window

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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.
12/035,628	02/22/2008	William H. Eby	1421-314	1359

32905 7590 12/06/2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
KUBELIK, ANNE R	

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
12/06/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 0 6 2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
William H, Eby
Serial No.: 12/035,628
Filed: February 22, 2008
Attorney Docket No.: **1421-314**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed December 2, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 20, 2009, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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	12035779
Filing Date	22-Feb-2008
First Named Inventor	Ronald BLUM
Art Unit	2873
Examiner Name	DARRYL COLLINS
Attorney Docket Number	027798-000310US
Title	OPHTHALMIC DYNAMIC APERTURE

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 20350

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	PixelOptics, Inc.
Address	5241 Valleypark Drive
City	Roanoke
State	VA
Postal Code	24019
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/John McGroarty/
Name	John McGroarty
Registration Number	41186

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : May 10,2011

In re Application of :

Ronald BLUM

Application No : 12035779

Filed : 22-Feb-2008

Attorney Docket No : 027798-000310US

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 May 10,2011

The request is **APPROVED.**

The request was signed by John McGroarty (registration no. 41186) on behalf of all attorneys/agents associated with Customer Number 20350 . All attorneys/agents associated with Cusotmer Number 20350 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 PixelOptics, Inc.
Name2
Address 1 5241 Valleypark Drive
Address 2
City Roanoke
State VA
Postal Code 24019
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