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

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Airton Moises Oliveira Lara	:	
Application No. 12/035,840	:	DECISION ON PETITION
Filed: February 22, 2008	:	TO WITHDRAW
Attorney Docket No. L78.12-001	:	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 10, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Chris J. Volkmann on behalf of all attorneys/agents associated with customer number 27367. All attorneys/agents associated with customer number 27367 have been withdrawn.

All future correspondence will be directed to the address of record, which 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: Airton Moises Oliveira Lara
Rua Porto Seguro, No. 366
Bairro Santa Tereshinha
Santo Andre, Sao Paulo
Brazil 09210-660

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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
12/035,840	02/22/2008	Airton Moises Oliveira Lara	L78.12-0001

CONFIRMATION NO. 1761

POWER OF ATTORNEY NOTICE

27367
WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402

OC000000046195143

Date Mailed: 02/25/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/10/2011.

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

/kainabinet/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/035,845	02/22/2008	Claudio Marcelo Lopez	21463-006001	1770

26181 7590 11/02/2011
FISH & RICHARDSON P.C. (SV)
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
11/02/2011	ELECTRONIC

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

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

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

PATDOCTC@fr.com

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

In re Application of	
Claudio LOPEZ	**: DECISION ON REQUEST TO**
Application No.: 12/035,845	**: PARTICIPATE IN THE PATENT**
Filed: 22 February 2008	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 21463-006001	**: PROGRAM AND PETITION**
For: UPDATING ROUTING	**: TO MAKE SPECIAL UNDER**
PATTERNS IN AN ENTERPRISE	**: 37 CFR 1.102(a)**
NETWORK	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed on 13 October 2011.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UK IPO, note where the UK IPO 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 UK IPO application with similar claims and the UK IPO priority application;

(2) Applicant must submit a copy of:
The allowable/patentable claim(s) from the UK IPO application(s);

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UK IPO application(s); and
b. Submit a claims correspondence table;

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

(5) Applicant must submit:
A copy of all of the office actions from each of the UK IPO application(s) containing the allowable/patentable claims that are the basis for the request or request that the USPTO obtain a copy from the UK IPO. If the USPTO is not able to obtain a copy of all of the office actions from the UK IPO, the applicant will be notified and requested to provide the necessary documents.

(6) Applicant must submit:

a. An IDS listing the documents cited by the UK IPO examiner in the UK IPO office action (unless already submitted in this application); and
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application)

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

This application will be forwarded to the examiner for action on the merits commensurate with this decision once the formalities review has been completed.

Any inquiry regarding this decision should be directed to Lee W. Young, Quality Assurance Specialist, 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 2600

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GILEAD SCIENCES INC
333 LAKESIDE DR
FOSTER CITY CA 94404

MAILED

MAR 01 2012

OFFICE OF PETITIONS

In re Application of
Manoj C. Desai et al.
Application No. 12/036,124
Filed: February 22, 2008
Attorney Docket No. 719.PC

: DECISION ON APPLICATION
:FOR PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)" filed October 27, 2011. Applicants request that the patent term adjustment at the time of the mailing of the Notice of Allowance be corrected from 153 days to 210 days.

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

On July 29, 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 153 days. The instant application for patent term adjustment was timely filed[1]. Applicants dispute the reduction of 57 days of PTA pursuant to 1.704(c)(8) for the filing of a supplemental information disclosure statement on April 16, 2010.

On February 18, 2010 applicants filed a response to a Restriction Requirement mailed November 18, 2009, then on April 16, 2010, applicants filed a supplemental response.

Applicant argues that an "Information Disclosure Statement Filed Prior to a First Office Action on the Merits Should not Result in Applicant Delay". More specifically, applicant argues, "During prosecution of the present application, the response to restriction requirement filed on February 18, 2010 was forwarded to the Examiner on March 12, 2010 (i.e., 22 days after the response was filed). There can be no question that Applicants' filing of an information disclosure statement on April 16, 2010 did not delay (and could not have delayed) examination of the application during the time in which the response had not even been forwarded to the Examiner for consideration. Furthermore, the Examiner mailed the first office action on the merits on May 13, 2010, approximately one month after the information disclosure statement was filed. There is no evidence to suggest that the filing of the information disclosure statement

[1] PALM records indicate that the Issue Fee was received on October 28, 2011.

caused any delay in the processing or examination of the application. In fact, all of the Examiner-initialed PTO/SB/08 forms returned with the office action of May 13, 2010 were dated May 11, 2010 (i.e., two days before the office action was mailed), which makes clear that the filing of the information disclosure statement on April 16, 2010 did not cause any delay in the Examiner's handling of the application.

Applicant's arguments have been considered, but not found to be persuasive. At the outset, under 35 USC 132, the first action mailed by the USPTO was the restriction requirement mailed November 18, 2009 and as such, a response was filed February 18, 2010. Thereafter, a supplemental response was filed April 16, 2010.

Pursuant to 37 CFR § 1.704(c)(8), the submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, is a failure to engage in reasonable efforts to conclude prosecution.

In this instance, the filing of the Information Disclosure Statement on April 16, 2010 is considered a failure to engage under 1.704(c)(8). The record does not support a conclusion that the IDS was expressly requested by the examiner and neither did the IDS include a 1.704(d) statement.

The reduction of 57 days was warranted and will not be removed.

In view thereof, the determination of patent term adjustment at the time of the mailing of the notice of allowance remains 153 days.

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

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

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OCT 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Lauckhart et al.	:	
Application No. 12/036,141	:	DECISION ON PETITION
Filed: February 22, 2008		TO WITHDRAW FROM RECORD
Attorney Docket No. 1361021-2001.1	:	
	:	

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

According to a review of current USPTO records petitioner has not recognized the current recorded assignee concerning the above-identified application or the first listed inventor. QL2 Software, Inc. is not the current assignee of the above- identified application. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed June 7, 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

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

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FEB 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Alexander Gilgur et al.	:	DECISION ON PETITION
Application No. 12/036,167	:	TO WITHDRAW
Filed: February 22, 2008	:	FROM RECORD
Attorney Docket No. **23370-13167**	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed December 29, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative.

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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MORRISON & FOERSTER LLP
12531 High Bluff Drive
Suite 100
San Diego, CA 92130-2040

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JUN 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Gary Bridger, et al.	:	
Application No. 12/036,187	:	DECISION ON PETITION
Filed: February 22, 2008	:	TO WITHDRAW
Attorney Docket No. 391442006110	:	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 Morrison & Foerster LLP has been revoked by the assignee of the patent application on May 31, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Genzyme Corporation**
153 Second Avenue
Waltham, MA 02451

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

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DEC 20 2011

OFFICE OF PETITIONS

In re Application of	:	
WANG, KANGSHENG	:	
Application No. 12/036198	:	DECISION ON PETITION
Filed: 02/22/2008	:	
Attorney Docket No. AILO1.001P2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed October 26, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time for response were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on January 27, 2011. A Notice of Abandonment was mailed on May 31, 2011.

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

This application is being referred to Technology Center AU 1632 for appropriate action by the Examiner on the reply received on December 7, 2011.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney

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Law Office of Ronald Shea
P.O. Box 5584
Sherman Oaks CA 91413

In re Application of	:	
Colin K. Mick et al.	:	
Application No. 12/036,206	:	DECISION ON PETITION
Filed: February 22, 2008	:	
Attorney Docket No. VIDEO.P001	:	

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 reply in a timely manner to the Notice of Non-Compliant Amendment mailed August 31, 2011, which set a shortened statutory period for reply of one (1) month or (30) thirty days. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 1, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $930 and (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 2426 for appropriate action by the Examiner in the normal course of business on the reply received November 2, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Ronald R. Shea, Esq.
6741 Van Nuys Blvd. Suite 203D
Van Nuys, CA 91405

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Law Office of Ronald Shea
P.O. Box 5584
Sherman Oaks CA 91413

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DEC 15 2011

OFFICE OF PETITIONS

In re Application of	:	
Colin K. Mick et al	:	
Application No. 12/036,209	:	ON PETITION
Filed: February 22, 2008	:	
Attorney Docket No. VIDEO.P002	:	

This is a decision on the petition under 37 CFR 1.183, filed on October 24, 2011, which is being treated as a petition requesting that the requirements of 37 CFR 1.48(a) be waived or suspended pursuant to 37 CFR 1.183.

The petition is **dismissed**.

37 CFR 1.183 provides that in an extraordinary situation, when justice requires, any requirement of the regulations which is not a requirement of the statutes may be suspended or waived by the Commissioner. A petition filed under 37 CFR 1.183 requires a petition fee set forth in § 1.17(f), which is currently $400.

The petition in the above-identified application was not accompanied by payment of the required fee, petitioner having provided a petition fee of only $130. No consideration on the merits can be given that petition until the required fee is received.

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

Carl Friedman
Petitions Examiner
Office of Petitions

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MAR 14 2011

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LAW OFFICE OF RONALD SHEA
P.O. BOX 5584
SHERMAN OAKS CA 91413

In re Application of	:	
Mick et al.	:	
Application No. 12/036,211	:	DECISION ON PETITION
Filed: February 22, 2008	:	
Attorney Docket No. VideoStick.P003	:	

This is a decision on the petition under 37 CFR 1.137(a), filed August 27, 2010, which is being more properly treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

This application was held abandoned for failure to reply to the non-final Office action mailed December 31, 2009, which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed on August 16, 2010.

Petitioner asserts that the Office action dated December 31, 2009 was not received.

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

(1) A statement from 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.

(2) A statement from the practitioner 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.

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).

Currently, the instant petition does not comply with the above-listed items. Any renewed petition should include the above-listed items. Should petitioner not be able to provide the items, or simply wish not to, petitioner should notify the Office to then consider the instant petition as originally filed under 37 CFR 1.137(a). If petitioner submits a renewed petitioner under 37 CFR 1.181 which meets the above requirements, the $270.00 petition fee will be refunded at that time.

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

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

By hand: Customer Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

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KIRK HERMANN
150 CERRO VISTA WAY
ANAHEIM CA 92807

MAILED
MAY 09 2011
OFFICE OF PETITIONS

In re Application of

Thomas V. Sanguinetti et al.
Application No. 12/036,263
Filed: February 24, 2008
Attorney Docket No. BRAV-P0001-01

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

The request is **APPROVED**.

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

The request was signed by Kirk William Hermann, sole attorney of record. Kirk William Hermann has been withdrawn.

The correspondence address has been changed to that of the first signing inventor (first copied address below), on the oath and declaration. If the applicant(s) would like to receive correspondence at a different address then a power of attorney or request to do so must be submitted and signed by all of the inventors or an attorney appointed to this application.

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: Thomas V. Sanguinetti
4275 Executive Square
Suite 250
La Jolla, CA 92037

cc: Dave Sanguinetti
10309 Pacific Center Court
San Diego, CA 92121

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/036,263	02/24/2008	Thomas V Sanguinetti	1500-1004

CONFIRMATION NO. 1661

POWER OF ATTORNEY NOTICE

KIRK HERMANN
150 CERRO VISTA WAY
ANAHEIM, CA 92807

OC000000047545032

Date Mailed: 05/06/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/16/2011.

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

/kainabinet/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : October 18,2011

In re Application of :

Roy Kuennen

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12036348

Filed : 25-Feb-2008

Attorney Docket No : 120270.125831

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 18,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

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

This application file is being referred to Technology Center AU 2821 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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	12036348
Filing Date	25-Feb-2008
First Named Inventor	Roy Kuennen
Art Unit	2821
Examiner Name	JIANZI CHEN
Attorney Docket Number	120270.125831
Title	INDUCTIVELY COUPLED BALLAST CIRCUIT

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	/Dustin H. Shunta/
Name	Dustin H. Shunta
Registration Number	56507

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	12036348
Filing Date	25-Feb-2008
First Named Inventor	Roy Kuennen
Art Unit	2821
Examiner Name	JIANZI CHEN
Attorney Docket Number	120270.125831
Title	INDUCTIVELY COUPLED BALLAST CIRCUIT

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	/Dustin H. Shunta/
Name	Dustin H. Shunta
Registration Number	56507

UNITED STATES 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 :

Roy Kuennen

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12036348

Filed : 25-Feb-2008

Attorney Docket No : 120270.125831

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 2821 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PIETRAGALLO GORDON ALFANO BOSICK & RASPANTI LLP
ONE OXFORD CENTRE, 38TH FLOOR
301 GRANT STREET
PITTSBURGH PA 15219-6404

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Patent No. 12/036,349	:	
Issue Date: March 9, 2010	:	
Application No. 12/036,349	:	DECISION ON PETITION
Filed: February 25, 2008	:	
Attorney Docket No. **1-17656 (CAYMN-88233)**	:	

This is a decision on the petition, filed, September 14, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) by way of a certificate of correction in the patent to be issued from the above-identified application.

The request is **GRANTED**.

Petitioner states that the correct assignee's name is "Cayman Chemical Company, Incorporated, Ann Arbor, MI (US)." and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter

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

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that "Cayman Chemical Company, Incorporated, Ann Arbor, MI (US)" is the assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

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

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/036,371	02/25/2008	NEIL WILLIAM HARVEY	5349-0015	1856

35301 7590 04/16/2012
MCCORMICK, PAULDING & HUBER LLP
CITY PLACE II
185 ASYLUM STREET
HARTFORD, CT 06103

EXAMINER
BENSON, ADAM RAY

ART UNIT	PAPER NUMBER
3745	

NOTIFICATION DATE	DELIVERY MODE
04/16/2012	ELECTRONIC

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

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

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

patentdocket@ip-lawyers.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

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

In re Application of:
HARVEY, NEIL WILLIAM et al
Serial No. 12/036,371
Filed: Dec. 29, 2006Feb. 5, 2008
Attorney Docket No. : 5349-0015
Title: AEROFOIL MEMBERS FOR A TURBOMACHINE

DECISION ON REFUND REQUEST

This is a decision on the Request for Refund for the filing fee of a Request for Continued Examination (RCE) filed February 29, 2012 because the applicant believes the filing of RCE was unnecessary due to the alleged defective final rejection issued on November 30, 2011.

The Request for Refund is denied.

In the request for refund, the applicant argues that the RCE was not necessary because the examiner issued a defective final rejection. In particular, the applicant asserts that in order to advert risk of administrative delay or inadvertent lapsed of the application, the applicant has filed an RCE for continuing examination of claims and the IDS filed on December 15, 2011. This line of arguments is irrelevant to the payment of the filing fee of the RCE to avoid abandonment. The arguments are not persuasive. This application was under final rejection of November 30, 2011. It is the applicant's responsibility to take the necessary action in an application under final Office action to provide a complete reply under 37 CFR 1.113. The applicant has taken no action to make any inquiry regarding the alleged defective final rejection until the current RCE was filed on February 29, 2012. In this case, the applicant waited at the end of the three months from the date of the final rejection mailed November 30, 2011 to file an RCE and for consideration of the IDS filed on December 15, 2011 to avoid abandonment.

With regard to the requested refund of extension of time fee, 35 USC § 42(d) permits a refund of "any fee paid by mistake or any amount paid in excess of that required." Thus, the Office may refund: (1) a fee paid when no fee is required (a fee paid by mistake); or (2) any fee paid in excess of the amount of fee that is required. See Ex Parte Grady, 59 USPQ 276, 277 (Comm'r Pats. 1943) (the statutory authorization for the refund of fees is applicable only to a mistake

relating to fee payment). However, the applicant has not shown, nor does inspection of the record reveal, that the fee in question was paid either in excess or by mistake. Since the fee was paid in the proper amount, the fee was not paid in excess.

The issue here is whether the fee for the filing fee of the RCE was paid by mistake. The filing fee of the RCE was owed at the time it was paid, and it was paid by a duly authorized representative of the applicant. The filing fee of the RCE paid on February 29, 20112 was necessary to prevent the application from going abandoned and to respond to the final rejection of November 30, 2011. Such is not a mistake within the meaning of the statutes and regulations. Under the circumstances, the requested refund can not be approved. The Office has no authority to waive any fees.

For the foregoing reasons, the requested refund will not be granted. Specifically, the filing fee of the RCE was not paid by mistake. The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3745 for consideration of the RCE and the submission to the final rejection mailed on November 30, 2011.

Request for Refund is denied.

Andrew Wang, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BURR & BROWN
PO BOX 7068
SYRACUSE, NY 13261-7068

MAILED
SEP 14 2011
OFFICE OF PETITIONS

In re Application of :
Yukinobu Yura, et al. :
Application No.: 12/036,373 : ON PETITION
Filed: February 25, 2008 :
Attorney Docket No.: 888_018 :

This is a decision on the petition, filed September 13, 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 August 24, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The application is being referred to Technology Center AU 1734 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KILPATRICK TOWNSEND & STOCKTON LLP/ORACLE
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED
FEB 24 2012
OFFICE OF PETITIONS

In re Application of	:	
Andrew Barry	:	
Application No. 12/036,461	:	DECISION ON PETITION
Filed: February 25, 2008	:	
Attorney Docket No. 88325-769594	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before November 14, 2011 as required by the Notice of Allowance mailed August 11, 2011. A Notice of Abandonment was mailed on November 29, 2011.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed August 11, 2011, is accepted as having been unintentionally delayed.

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Bereskin and Parr LLP
S.E.N.C.R.L., s.r.l.
40 King Street West
40th Floor
Toronto ON M5H 3Y2 CA CANADA

MAILED
SEP 30 2011
OFFICE OF PETITIONS

In re Application of	:	
Darrell MAY et al.	:	ON PETITION
Application No. 12/036,467	:	
Filed: February 25, 2008	:	
Atty. Docket No.: 13210-370/KL		

This is a decision on the petition under 37 CFR 1.137(b), filed May 31, 2011, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to properly reply in a timely manner to the final Office action mailed July 22, 2010 (Office action), which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned October 23, 2010. A Notice of Abandonment was mailed May 27, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Request for Continued Examination (RCE), and RCE fee, and a submission under 37 CFR 1.114, (2) a petition fee of $1620, and (3) a statement of unintentional delay. The reply to the Office action is accepted as being unintentionally delayed.

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

The application will be referred to Technology Center Art Unit 3621 for consideration of 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

ALSTON & BIRD, LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET
SUITE 4000
CHARLOTTE, NC 28280-4000

MAILED

DEC 15 2010

OFFICE OF PETITIONS

In re Application of
Murali Krishna Punaganti Venkata, et al.
Application No. 12/036,536
Filed: February 25, 2008
Attorney Docket No. 042933/339581

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 20, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Alston & Bird, LLP has been revoked by the assignee of the patent application on October 26, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642. 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

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.
12/036,568	02/25/2008	Zhanyi Liu	322550US3TTC	2255

7590 05/18/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
COLUCCI, MICHAEL C

ART UNIT	PAPER NUMBER
2626	

NOTIFICATION DATE	DELIVERY MODE
05/18/2011	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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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	12036622
Filing Date	25-Feb-2008
First Named Inventor	Erik Troan
Attorney Docket Number	066176.00051
Title	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR TAKING A SNAPSHOT O

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	/Timothy J. Bechen/
Name	Timothy J. Bechen
Registration Number	48126

UNITED STATES 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 6, 2012

In re Application of Erik Troan

Application No. 12036622

Filed: 25-Feb-2008

Attorney Docket No. 066176.00051

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), April 6, 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 final Office action. 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 an amendment and/or response, Request for Continued Examination, and the filing fee required under 37 CFR 1.17(e); (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 Request for Continued Examination and the amendment and/or response are accepted as having been unintentionally delayed.

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

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

This application file is being directed to the Technology Center.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of	:	
Hao TAN et al.	:	
Application No. 12/036,654	:	DECISION ON PETITION
Filed: February 25, 2008	:	
Attorney Docket No. 126880.0150	:	

This is a decision on the petition under 37 CFR 1.182, filed May 27, 2010, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

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

This application is being referred to Technology Center AU2831 for examination in due course.

Telephone inquiries regarding this decision should be directed to Michelle R. Eason at (571) 272- 4231.

Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/036,654	02/25/2008	2831	1370	126880.0150	12	4

CONFIRMATION NO. 2421

CORRECTED FILING RECEIPT

27557
BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

OC000000043641052

Date Mailed: 09/22/2010

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)

Hao Tan, Charlottesville, VA;
Craig H. Meyer, Charlottesville, VA;

Power of Attorney: The patent practitioners associated with Customer Number 27557

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/903,143 02/23/2007

Foreign Applications

If Required, Foreign Filing License Granted: 03/08/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/036,654**

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

K-SPACE TRAJECTORY ESTIMATION IN SPIRAL MRI SYSTEM & RELATED METHOD THEREOF

Preliminary Class

324

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
MAY 17 2011
OFFICE OF PETITIONS

Klintworth & Rozenblat IP LLC and
Abbott Laboratories
850 W Jackson Blvd
Suite 660
Chicago IL 60607

In re Application of	:	
Hossein OMIDIAN et al.	:	DECISION GRANTING PETITION
Application No. 12/036,680	:	UNDER 37 CFR 1.137(b)
Filed: February 25, 2008	:	
Atty. Docket No.: SD-10004USO1	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 22, 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 Requirement for Restriction/Election mailed April 15, 2010, which set a shortened statutory period of reply of 1 (one) month. No extension of time fees were obtained under 37 CFR 1.136(a). The application became abandoned on May 16, 2010. A Notice of Abandonment was mailed December 27, 2010.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including: (1) a reply in the form of a Response to the outstanding Office action, (2) a petition fee of $1620, 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 $2350 extension of fee submitted with the petition on April 15, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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

53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

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

The application file will be referred to Technology Center Art Unit 1615 for further action on the filed Response.

David Bucci
Petitions Examiner
Office of Petitions

cc: William John Keyes
Klintworth & Rozenblat IP LLC
300 W. Adams Street, Suite 423
Chicago, Illinois 60606

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

LECH LAW, LLC
P.O. BOX 3473
DUBLIN OH 43016

MAILED
JUL 29 2011
OFFICE OF PETITIONS

In re Application of	:	
Richard B. H	:	
Application No. 12/036,732	:	DECISION ON PETITION
Filed: February 25, 2008	:	
Attorney Docket No. 68940-32	:	

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 two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of November 12, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal; (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555.00 extension of time fee submitted with the petition on May 20, 2011, was subsequent to the maximum extendable period for reply, this fee is unnecessary. Petitioner may request a refund of the extension fee by writing to the Office of Finance, Refund Section. A copy of this decision should accompany the request.

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

This application is being referred to Technology Center AU 2617 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

Issue Classification	Application/Control No.	Applicant(s)/Patent under Reexamination	
	12/036,817	HARAYAMA ET AL.	
	Examiner	Art Unit	
	FRANK LU	1634	

ISSUE CLASSIFICATION

ORIGINAL						CROSS REFERENCE(S)							
CLASS			SUBCLASS		CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)							
435			6		435	91.1	91.2						
INTERNATIONAL CLASSIFICATION					536	23.1	24.3	24.33	25.3				
C	1	2	Q	1/68									
C	1	2	P	19/34									
C	0	7	H	21/02									
C	0	7	H	21/04									
C	0	7	H	21/00									

(Assistant Examiner) (Date)	/Frank W Lu/ 8/12/2011	Total Claims Allowed: 3	
(Legal Instruments Examiner) (Date)	(Primary Examiner) (Date)	O.G. Print Claim(s) 1	O.G. Print Fig. 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	1		31		61		91		121		151		181
	~~2~~		32		62		92		122		152		182
	~~3~~		33		63		93		123		153		183
2	4		34		64		94		124		154		184
3	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
	12		42		72		102		132		162		192
	13		43		73		103		133		163		193
	14		44		74		104		134		164		194
	15		45		75		105		135		165		195
	16		46		76		106		136		166		196
	17		47		77		107		137		167		197
	18		48		78		108		138		168		198
	19		49		79		109		139		169		199
	20		50		80		110		140		170		200
	21		51		81		111		141		171		201
	22		52		82		112		142		172		202
	23		53		83		113		143		173		203
	24		54		84		114		144		174		204
	25		55		85		115		145		175		205
	26		56		86		116		146		176		206
	27		57		87		117		147		177		207
	28		58		88		118		148		178		208
	29		59		89		119		149		179		209
	30		60		90		120		150		180		210

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

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

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 2006 (4575/9)	Application Number (if known): 12/036,859	Filing date: 02-25-2008

First Named Inventor: Rathin Datta

Title: ETHANOL RECOVERY PROCESS AND APPARATUS FOR BIOLOGICAL CONVERSION OF SYNGAS COMPONENTS TO LIQUID PRODUCTS

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Preliminary Amendment, Petition, Statement of Special Status, Request for Early Publication

Signature /PAUL M HLETKO/	Date AUGUST 13, 2010
Name (Print/Typed) PAUL M HLETKO	Registration Number 51,806

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

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

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

Client/Matter: 2006 (4575/9)
August 13, 2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.	:	12/036,859
Applicant	:	Datta, et al.
Filed	:	Feb. 25, 2008
TC/A.U.	:	1633
Examiner	:	WOITACH, JOSEPH T
Docket No.	:	4575/9 (2006)
Title	:	Ethanol Recovery Process and Apparatus for Biological Conversion of Syngas Components to Liquid Products

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

PETITION TO MAKE SPECIAL

Applicant petitions the Office to make this application special under the requirements for the Green Technology Pilot Program. In furtherance of this petition, Applicant includes the enclosed Statement of Special Status, as well as a preliminary amendment. This application is eligible for special status pursuant to the requirements for entry into the Green Technology Pilot Program. The present application is eligible because it constitutes a material contribution to both (1) the development of renewable energy resources; and (2) the reduction of greenhouse gas emissions. Applicant believes that the application disclosure is clear on its face that the claimed invention is a material contribution, and thus further no statement of materiality is required. To the extent that the Office believes that such a statement would be of benefit in analyzing this petition, Applicant requests a phone call to their counsel, and such a statement will be promptly filed.

The present application is directed to a method for recovery of, among other liquid products, ethanol during syngas to ethanol bioconversion. Biofuels such as ethanol are produced for use as liquid motor fuels or for blending with conventional gasoline or diesel motor fuels. The claimed process is feedstock flexible and can use urban waste as a feedstock, rendering the claimed technology eligible for special status under (1) above. Further, use of ethanol as a liquid motor fuel has been shown to reduce carbon monoxide gas emission by up to 80-90%, constituting a material reduction in greenhouse gas emissions as required by (2), above.

Specifically, this application is

1) a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of this notice. This application is not a reexamination application.

2) The application is classified in one of the U.S. classifications listed in section VI of this notice at the time of examination.

3) The application contains three or fewer independent claims and twenty or fewer total claims. The application does not contain any multiple dependent claims. Applicants concurrently file a preliminary amendment in compliance with 37 CFR 1.121 to cancel one excess claim.

4) The claims are 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) greenhouse gas emission reduction (see the eligibility requirements of sections II and III of this notice). 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 74 CFR

63666 and is classified in one of the U.S. classifications listed in section VI of 74 CFR 63666. See section V of 74 CFR 63666.

5) The petition to make special is being electronically filed before December 8, 2010, using the USPTO electronic filing system, EFS–Web.

6) The petition to make special is filed, on belief, 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.

7) The petition to make special is 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).

SUMMARY

Applicant respectfully submits that claims 1-15 and 17-21 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: **August 13, 2010**

Respectfully submitted,
RATHIN DATTA, et. al.

/PAUL M. HLETKO/

Paul M. Hletko
Registration No. 51,806
Attorney for Applicant

CARDINAL LAW GROUP
Suite 2000
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Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113

Client/Matter: 2006 (4575/9)
August 13, 2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.	:	12/036,859
Applicant	:	Datta, et al.
Filed	:	Feb. 25, 2008
TC/A.U.	:	1633
Examiner	:	WOITACH, JOSEPH T
Docket No.	:	4575/9 (2006)
Title	:	Ethanol Recovery Process and Apparatus for Biological Conversion of Syngas Components to Liquid Products

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

Statement of Special Status

This application is eligible for special status pursuant to the requirements for entry into the Green Technology Pilot Program. The present application is eligible because it constitutes a material contribution to both (1) the development of renewable energy resources; and (2) the reduction of greenhouse gas emissions. Applicant believes that the application disclosure is clear on its face that the claimed invention is a material contribution, and thus further no statement of materiality is required. To the extent that the Office believes that such a statement would be of benefit in analyzing this petition, Applicant requests a phone call to their counsel, and such a statement will be promptly filed.

The present application is directed to a method for recovery of, among other liquid products, ethanol during syngas to ethanol bioconversion. Biofuels such as ethanol are produced for use as liquid motor fuels or for blending with conventional gasoline or

diesel motor fuels. The claimed process is feedstock flexible and can use urban waste as a feedstock, rendering the claimed technology eligible for special status under (1) above. Further, use of ethanol as a liquid motor fuel has been shown to reduce carbon monoxide gas emission by up to 80-90%, constituting a material reduction in greenhouse gas emissions as required by (2), above.

Specifically, this application is

1) a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of this notice. This application is not a reexamination application.

2) The application is classified in one of the U.S. classifications listed in section VI of this notice at the time of examination.

3) The application contains three or fewer independent claims and twenty or fewer total claims. The application does not contain any multiple dependent claims. Applicants concurrently file a preliminary amendment in compliance with 37 CFR 1.121 to cancel one excess claim.

4) The claims are 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) greenhouse gas emission reduction (see the eligibility requirements of sections II and III of this notice). 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 74 CFR 63666 and is classified in one of the U.S. classifications listed in section VI of 74 CFR 63666. See section V of 74 CFR 63666.

5) The petition to make special is being electronically filed before December 8, 2010, using the USPTO electronic filing system, EFS–Web.

6) The petition to make special is filed, on belief, 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.

7) The petition to make special is 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).

SUMMARY

Applicant respectfully submits that claims 1-15 and 17-21 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: **August 13, 2010**

Respectfully submitted,
RATHIN DATTA, et. al.

/PAUL M. HLETKO/

Paul M. Hletko
Registration No. 51,806
Attorney for Applicant

CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113

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.
12/036,859	02/25/2008	Rathin Datta	4575/9	2801

7590 08/19/2010
CARDINAL LAW GRUOP
1603 Orrington Avenue, Suite 2000
Evanston, IL 60201

EXAMINER
WOITACH, JOSEPH T

ART UNIT	PAPER NUMBER
1633	

MAIL DATE	DELIVERY MODE
08/19/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 1 9 2010

CARDINAL LAW GRUOP
1603 Orrington Avenue, Suite 2000
Evanston IL 60201

In re Application of	:	
DATTA, Rathin	:	DECISION ON PETITION
Application No. 12/036859	:	TO MAKE SPECIAL UNDER
Filed: February 25, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 4575/9	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 13, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **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 and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

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

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

The application is being forwarded to the Technology Center Art Unit 1633 for action on the merits commensurate with this decision.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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J. RODMAN STEELE, JR.
NOVAK DRUCE & QUIGG LLP
525 OKEECHOBEE BLVD
SUITE 1500
WEST PALM BEACH FL 33401

MAILED

FEB 16 2011

OFFICE OF PETITIONS

In re Application of	:	
James Spencer Lipton	:	DECISION ON PETITION
Application No. 12/036,874	:	TO WITHDRAW
Filed: February 25, 2008	:	FROM RECORD
Attorney Docket No. 7883-2-1	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed January 13, 2011, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Amy A. Dobbelaere does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Amy A. Dobbelaere not having power of attorney. See MPEP §§ 601.03 and 405.

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

Currently, there is an outstanding Office action mailed October 12, 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE SC 29602-1449

MAILED

AUG 10 2011

OFFICE OF PETITIONS

In re Application of :
Kenneth A. Christensen et al. :
Application No. 12/036,894 : ON PETITION
Filed: February 5, 2008 :
Attorney Docket No. 03302.0017U1 :

This is a decision on the petition filed July 27, 2011 under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the final Office action mailed, December 28, 2010, which set a shortened statutory period for reply of three (3) months. A three month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on 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 RCE (Request for Continued Examination, with the required fee of $405, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

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

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

This application is being referred to Technology Center AU 1762 for appropriate action by the Examiner in the normal course of business on the reply received July 27, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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	12036901	Confirmation Number	2876	Filing Date	2008-02-25
Attorney Docket Number (optional)	41958-107132	Art Unit	1629	Examiner	Vakili, Zohreh
First Named Inventor	Joel E. Bernstein				
Title of Invention	METHOD OF TREATING INFLAMMATORY ACNE VULGARIS WITH CARBAMIDE PEROXIDE				

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
Joel	E.	Bernstein	

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	/Alice O. Martin/	Date (YYYY-MM-DD)	2011-10-10
Name	Alice O. Martin	Registration Number	35601

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

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
Joel E. Bernstein

Application No. 12036901

Filed: February 25,2008

Attorney Docket No. 41958-107132

: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 11-OCT-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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INTERNATIONAL BUSINESS MACHINES CORPORATION
Richard Lau
IPLAW DEPARTMENT / Bldg 008-2
2455 SOUTH ROAD - MS P386
POUGHKEEPSIE NY 12601

MAILED

OCT 15 2010

OFFICE OF PETITIONS

In re Application of	:	
Richard K. Errickson, et al.	:	
Application No. 12/036,979	:	DECISION GRANTING PETITION
Filed: February 25, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. POU920080087US1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, October 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 September 22, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

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.

[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.*

This application is being referred to Technology Center AU 2441 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **CANTOR COLBURN LLP**
20 Church Street
22nd Floor
Hartford, CT 06103

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

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MAY 3 1 2011

OFFICE OF PETITIONS

In re Application of :
Huw M. NASH :
Application No. 12/037,041 :
Filed: February 25, 2008 :
Attorney Docket No. **35224-707.201** :

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 May 27, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This application is being referred to Technology Center AU 1654 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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PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON DC 20005

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MAR 22 2011

OFFICE OF PETITIONS

In re Application of
Gannon et al.
Application No. 12/037,062
Filed: February 25, 2008
Attorney Docket No. 73045.00100.UTL

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 4, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Todd M. Schneider, on behalf of all attorneys of record who are associated with Customer Number 36183.

All attorneys/agents associated with the Customer Number 36183 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee at the address indicated below.

Currently, there is an outstanding Office action mailed December 29, 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: TC Websites LLC
12481 High Bluff Drive, Suite 201
San Diego, CA 92130

UNITED STATES PATENT AND TRADEMARK OFFICE

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PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15th Street, NW
Washington DC 20005

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Kevin B. Howard et al.	:	
Application No. 12/037,083	:	DECISION ON PETITION
Filed: February 25, 2008	:	TO WITHDRAW
Attorney Docket No. 75650.00005.UTL	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 10, 2010.

The request is **APPROVED**.

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 Todd M. Schneider on behalf of all attorneys/agents associated with customer number 36183. All attorneys/agents associated with customer number 36183 have been withdrawn.

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Internet Connectivity Group, Inc.
20 Empire Drive
Lake Forest, CA 92630

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
12/037,083	02/25/2008	Kevin B. Howard	75650.00005.UTL

CONFIRMATION NO. 3200

POWER OF ATTORNEY NOTICE

36183
PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15th Street, NW
Washington, DC 20005

OC000000045515043

Date Mailed: 01/18/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/10/2010.

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

/kainabinet/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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June 16, 2011

SUMMA, ADDITON & ASHE, P.A.
11610 NORTH COMMUNITY HOUSE ROAD
SUITE 200
CHARLOTTE NC 28277

In re Application of	:	
Sung Hee Ahn et al.	:	**DECISION ON PETITION**
Application No. 12037123	:	
Filed: 2/26/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 6250.074	:	***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 26, 2010.

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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COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY NJ 08855

MAILED
JUL 08 2011
OFFICE OF PETITIONS

In re Application of	:	
Bruce M. Russell et al	:	
Application No. 12/037,278	:	DECISION ON PETITION
Filed: February 26, 2008	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 7492-01-TB	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed April 5, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

Applicant filed the above petition combined with a petition under 37 CFR §1.57(a). However, the petitions are being treated separately. Applicant is directed to 37 CFR 1.4(c) which states:

> "*Since different matters may be considered by different branches or sections of the United States Patent and Trademark Office, each distinct subject inquiry or order must be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects.*"

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 26, 2008. Intermediate PCT/US2006/033021, filed August 24, 2006, was filed within twelve months of the filing date of the prior-filed provisional application, Application No.60/711,557, which was filed on August

26, 2005, 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).

Petitioner is further required to amend the specification to be in accordance with the Application Data Sheet (ADS) presented on February 26, 2008 which states that applicants are claim the benefit of PCT/US06/033021 as a foreign application. As set forth in 37 CFR 1.76(d), for inconsistencies between the specification and ADS, the ADS controls. The net effect is that petitioners relief is under 37 CFR 1.55(c) and 37 CFR 1.78(a)(3).

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 either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(6)) deleting the incorporation by reference statement, are required.

As authorized, the $1,410.00 fee required by 37 CFR 1.78(a)(6)(ii) has been charged to petitioner's Deposit Account No. 03-2455.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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

By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY NJ 08855

MAILED
JUL 08 2011
OFFICE OF PETITIONS

In re Application of :
Bruce M. Russell et al :
Application No. 12/037,278 :
Deposited: February 26, 2008 : DECISION ON PETITION
Attorney Docket No: 7492-01-TB :

This is a decision on the petition under 37 CFR 1.57(a) requesting that the above-identified application retain a filing date of February 26, 2008.

Applicant filed the above petition combined with a petition under 37 CFR §1.78(a)(6). However, the petitions are being treated separately. Applicant is directed to 37 CFR 1.4(c) which states:

> *"Since different matters may be considered by different branches or sections of the United States Patent and Trademark Office, each distinct subject inquiry or order must be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects."*

On February 26, 2008, the application was deposited.

Accordingly, on March 10, 2008, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete Nonprovisional Application, stating the application had not been accorded a filing date because the application was deposited without drawings as required by 35 U.S.C. 113.

On April 5, 2011, the present petition was filed. Petitioner concedes that all of the drawings were inadvertently omitted from the application papers deposited on February 26, 2008, but requests a filing date of February 26, 2008, because the application claims the benefit under 35 USC 119(a) and 37 CFR 1.55 of prior-filed Application No. PCT/US06/033021. Petitioner has also supplied a copy of the inadvertently omitted sheet of drawings.

Relying on §1.57(a), applicant asserts that the drawings are effectively incorporated by reference.

37 CFR 1.57 states, in pertinent part:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> (1) **The application must be amended to include the inadvertently omitted portion of the specification or drawing(s)** within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:
>
> (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
>
> (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and
>
> (iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.
>
> ...
>
> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph, accompanied by the fee set forth in § 1.17(f).
>
> (emphasis added)

The petition lacks an amendment including the inadvertently omitted portion of the specification as required by 37 CFR 1.57(a)(1).

In this regard, while copies of the missing drawings were supplied on May 16, 2008, no preliminary amendment to add the inadvertently omitted drawings has been filed. An amendment to replace figure 9 was submitted on March 15, 2010.

Further, the benefit claim to International PCT/US2006/033021 has not been perfected in the above-identified application yet. A copy of the prior filed application must be submitted.

A renewed petition, accompanied by the required amendment, including a copy of the drawing(s) as present on filing in the prior-filed application, must be supplied with any renewed petition.

The petition fee has been received, and no additional fee is due.

Any request for reconsideration should be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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

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

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

By internet: EFS-Web
www.uspto.gov/ebc/efs_help.html
(for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Telephone inquiries specific to this decision should be directed to Karen Creasy at (571) 272-3208.

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY NJ 08855

MAILED
SEP 02 2011
OFFICE OF PETITIONS

In re Application of	:
Bruce M. Russell et al	:
Application No. 12/037,278	: DECISION ON PETITION
Filed: February 26, 2008	: UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 7492-01-TB	:

This is a decision on the renewed petition filed August 19, 2011, which is being treated as a petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§ 120, 365(c) and § 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment and Application Data Sheet (ADS).

The petition is **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional/PCT application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120, 365(c) and §119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120, (365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center Art Unit 3751 for consideration by the examiner of the claim under 35 U.S.C. §§ 120, 365(c) and § 119(e) of the prior-filed PCT and provisional applications, via the Office of Patent Application Processing.

/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
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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
12/037,278	05/16/2008	3751	1960	7492-01-TB	36	2

CONFIRMATION NO. 3553

CORRECTED FILING RECEIPT

23909
COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY, NJ 08855

OC000000049662037

Date Mailed: 09/02/2011

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

Applicant(s)

Bruce M. Russell, Howell, NJ;
Van Canady, Princeton, NJ, Deceased;
Barbara Canady, Princeton, NJ, Legal Representative;
Steven M. Sorrel, Millwood, NY;
Candi Rancel, Stamford, CT;
Heng Cai, Skillman, NJ;
Douglas J. Hohlbein, Pennington, NJ;
Eduardo J. Jimenez, Manalapan, NJ;

Assignment For Published Patent Application

COLGATE-PALMOLIVE COMPANY, NEW YORK, NY

Power of Attorney: The patent practitioners associated with Customer Number 23909

Domestic Priority data as claimed by applicant

This application is a CON of PCT/US2006/033021 08/24/2006
which claims benefit of 60/711,577 08/26/2005

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: 05/23/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/037,278**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

ORAL CARE INSTRUMENT INCLUDING AN ORAL CARE AGENT

Preliminary Class

401

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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MAILED
SEP 02 2011
OFFICE OF PETITIONS

COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY NJ 08855

In re Application of	:	
Bruce M. Russell et al	:	DECISION ON PETITION
Application No. 12/037,278	:	
Filed: February 26, 2008	:	
Atty Docket No. 7492-01-TB	:	

This is a decision on the renewed petition under 37 CFR 1.57(a), filed August 19, 2011, requesting that the above-identified application be accorded a filing date of February 26, 2008.

The petition is **GRANTED**.

On February 26, 2008, the instant application was deposited without drawings.

Accordingly, on March 10, 2008, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete Nonprovisional Application, stating the application had not been accorded a filing date because the application had been deposited without drawings as required by 35 U.S.C. 113.

The instant petition was filed on August 19, 2011, and is accompanied by an amendment requesting entry of the omitted drawings found in PCT application number PCT/US2006/033021. A copy of the drawings was filed with the petition. A review of the application file reveals that the subject application incorporated by reference the prior-filed application which contained the omitted drawings.

Effective September 21, 2004, 37 CFR 1.57 allows a priority claim to a prior-filed application to be considered an incorporated by reference statement allowing for the incorporation of the prior filed application as to inadvertently omitted portion of the specification or drawings. When using 37 CFR 1.57 , applicant's

are required to amend the application to include the inadvertently omitted material, and supply a copy of the prior-filed application and identify where the inadvertently omitted portion of the drawings can be found in the prior-filed application.

It is noted that 37 CFR 1.57(a) indicates that if the application is not otherwise entitled to a filing date under 37 CFR 1.53(b), the amendment must be by way of the petition. This application was determined not to be entitled to a filing date. Accordingly, a petition is required to amend the application pursuant to 37 CFR 1.57.

In view thereof, the petition under § 1.57(a) is **GRANTED**. The amendment will be entered in due course.

This application is being forwarded to the Office of Patent Application Processing (OPAP) for according of a filing date of **February 26, 2008,** using the application papers received in the Office on that date and the drawings submitted with the present petition, and for an indication in the records of the Office that the application contains 7(seven) sheets of drawings (containing Figures 1-10).

The application is referred to the Office of Patent Application Processing for further processing and the issuance of a corrected filing receipt.

Telephone inquiries specific to this decision should be directed to Karen Creasy at (571)272-3208.

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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THE BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD, TW199
TOWSON MD 21286

MAILED

SEP 26 2011

OFFICE OF PETITIONS

In re Application of	:	
Daniele C. Brotto, et al.	:	
Application No. 12/037,290	:	DECISION ON PETITION
Filed: February 26, 2008	:	
Attorney Docket No. TN-11742	:	

This is a decision on the petition, filed August 31, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice mailed March 3, 2011, which set an one (1) month shortened statutory period for reply. A Notice of Abandonment was mailed on August 4, 2011.

Petitioner asserts that the Notice dated March 3, 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 Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received.

The showing required to establish nonreceipt of an Office communication must include:

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

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

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

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

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

This application is being referred to the Technology Center technical support staff of Art Unit 2838 for re-mailing the Notice of March 3, 2011. The period for reply will run from the mailing date of the Notice.

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

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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September 30, 2010

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

In re Application of	:	
Makoto Sato, et al	:	**DECISION ON PETITION**
Application No. 12037561	:	
Filed: 02/26/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **671302-2005.1**	:	***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 12, 2009.

The petition is **GRANTED**.

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

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

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

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

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

Kimberly Terrell, Manager
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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ABSOLUTE TECHNOLOGY LAW GROUP LLC
3316 W. Wisconsin Avenue
MILWAUKEE WI 53208

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of	:	
David Myers	:	
Application No. 12/037,696	:	DECISION ON PETITION
Filed: February 26, 2008	:	TO WITHDRAW
Attorney Docket No. MYERS-NONP-0208	:	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 9, 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 Jill Gilbert Welytok on behalf of all attorneys/agents associated with customer number 57520. All attorneys/agents associated with customer number 57520 have been withdrawn.

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Dave Myers
E. Edward 9175 Cutoff Road
New London, WI 54961

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
12/037,696	02/26/2008	David Myers	MYERS-NONP-0208

CONFIRMATION NO. 4315

POWER OF ATTORNEY NOTICE

57520
ABSOLUTE TECHNOLOGY LAW GROUP LLC
3316 W. Wisconsin Avenue
MILWAUKEE, WI 53208

OC000000044825158

Date Mailed: 12/06/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/09/2010.

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

/kainabinet/

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110822

DATE : May 25, 2011

TO SPE OF : ART UNIT 3735

SUBJECT : Request for Certificate of Correction on Patent No.: 7,860,545

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

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

Thank You For Your Assistance **Certificates of Correction Branch**

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

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/CHARLES A MARMOR II/
Supervisory Patent Examiner.Art Unit 3735

OK TO ENTER: /C.M./

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,860,545
APPLICATION NO. : 12/037812
ISSUE DATE : December 28, 2010
INVENTOR(S) : Shults, et al.

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

Issued Patent		Description of Discrepancy
Column	Line	
5	6	Change "betamethesone," to --betamethasone,--.
5	16	Change "aminoclycosides," to --aminoglycosides,--.
5	44	Change "xylocalne," to --xylocaine,--.
7	19	Change "betamethesone," to --betamethasone,--.
7	28	Change "aminoclycosides," to --aminoglycosides,--.
7	55	Change "xylocalne," to --xylocaine,--.
14	20-21	Change "diptheria/tetanus" to --diphtheria/tetanus--.
14	27	Change "perioxidase;" to --peroxidase;--.
14	33	Change "phenyloin," to --phenytoin;--.
14	48	Change "Trepenoma palladium," to --Treponema pallidum,--.
14	49	Change "stomatis" to --stomatitis--.
15	3	Change "(barbituates," to --(barbiturates,--.
18	53	Change "vivo" to --vivo,--.
20	4	Change "vivo" to --vivo,--.
24	14	Change "vivo" to --vivo,--.
24	23	Change "vivo" to --vivo,--.
25	27	Change "poly(l-lysine)," to --poly(1-lysine),--.
25	28	Change "hydroxyapeptite" to --hydroxyapatite--.
28	7	Change "SIP" to --S1P--.
29	12	Change "betamethesone," to --betamethasone,--.

MAILING ADDRESS OF SENDER:

Rose M. Thiessen
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, 14th Floor
Irvine, California 92614

DOCKET NO. DEXCOM.8DV1CPD2

OK TO ENTER: /C.M./

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,860,545

APPLICATION NO. : 12/037812

ISSUE DATE : December 28, 2010

INVENTOR(S) : Shults, et al.

29	28	Change "methothrexate," to --methotrexate,--.
29	36	Change "Cerivasttin)," to --Cerivastatin),--.
29	44	Change "aminoclycosides" to --aminoglycosides--.
30	55	Change "glenipin," to --genipin,--.
36	29	Change "geneic" to --generic--.
39	19 (Approx.)	Change "(2H)," to --($2H^+$),--.
43	51	Change "tetrafluorethylene," to --tetrafluoroethylene,--.
58	6	Change "vivo" to --vivo,--.
60	15	In Claim 6, change "betamethesone," to --betamethasone,--.
60	26	In Claim 7, change "aminoclycosides," to --aminoglycosides,--.

11241151:JSJ
051611

MAILING ADDRESS OF SENDER:

Rose M. Thiessen
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, 14th Floor
Irvine, California 92614

DOCKET NO. DEXCOM.8DV1CPD2

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.
12/038,033	02/27/2008	Mingde Xia	PRD2825USNP	4886

27777 7590 08/02/2011
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

EXAMINER
BLAKELY III, NELSON CLARENCE

ART UNIT	PAPER NUMBER
1629	

NOTIFICATION DATE	DELIVERY MODE
08/02/2011	ELECTRONIC

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

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

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

jnjuspatent@corus.jnj.com
lhowd@its.jnj.com
gsanche@its.jnj.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

AUG 0 2 2011

Thomas J. Dodd
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

In re Application of	:
Xia et al	:Decision on Petition
Serial No.: 12/038,033	:
Filed : 27 February 2008	:
Attorney Docket No.: PRD282USNP	:

This letter is in response to the Petition filed on 9 November 2010 requesting reconsideration of the Notice of Non-responsive amendment mailed 8 October 2010. Because this petition was only recently brought to the deciding official's attention, resulting in the delay in mailing this decision.

BACKGROUND

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

On 25 September 2008, the examiner set forth a first restriction requirement which divided claims 1-37 into three groups and required a further election of species.

On 17 December 2008, applicants responded by cancelling claims non-statutory claims and electing the method of treatment claims and the species of Compound 2, with traverse.

On 1 April 2009, the examiner set forth a second restriction requirement which required a further election of species of pain and therapeutic agent.

On 23 April 2009, applicants elected "acute pain" and again elected the therapeutic agent of compound 2.

On 9 July 2009, the examiner mailed a first Notice of Non-responsive Amendment in which it appears that the examiner took the position that the election of 'acute pain" was considered non-responsive because it was directed to a sub genus, not a species.

On 29 July 2009, applicants elected "inflammatory pain" with traverse.

On 1 December 2009, the examiner prepared a mailed to applicants a non-final Office action in which the traversal was considered, and the requirement was made final. Claims 4, 6-9, 14-16, 25, 27 and 30 were withdrawn from consideration under 37 CFR 1.142(b) as being directed to non-elected subject matter. Claims 1-3, 5, 10-13, 17, 19-24, 26, 28, 29 and 31 were rejected under 35 U.S.C. 112, 1st paragraph for scope of enablement and double patenting

On 1 April 2010, applicants filed a response to the Office action.

On 8 October 2010, the examiner mailed a second Notice of Non-responsive Amendment which addressed the response *filed 29 July 2009* which required the applicants to elect a therapeutic agent and stated that the election of "inflammatory pain" was considered non-responsive because it was directed to a sub genus, not a species.

On 9 November 2010, applicants filed an extension of time and this petition.

DISCUSSION

The file history and petition have been considered carefully.

At the onset, it is noted that the petition requests TC Group Director review, so it will be treated as though it was filed under 37 CFR 1.181, not under 37 CFR 1.182.

The response filed 9 November 2010, with extension of time, is hereby considered timely to the Notice mailed 8 October 2010 and sufficient to avoid abandonment of the application.

Turning to the merits of the petition, MPEP 818.01 states that "Election becomes fixed when the claims in an application have received an action on their merits by the Office." On 1 December 2009, the election became fixed when the Office performed substantive examination on the merits of the elected invention. Because the claims to the elected invention and elected species were examined on the merits, the Office cannot now go back in time and reconsider the propriety of the election. Accordingly, the notice mailed 8 October 2010 in response to election dated 29 July 2010 was not warranted.

DECISION

For these reasons, the petition filed on 9 November 2010 is **GRANTED** follows.

Because the petition is being treated as a petition filed under 37 CFR 1.181, the $400 fee is not required and will be refunded.

The notice mailed 8 October 2010 has been withdrawn as improper.

The application will be forwarded to the examiner to consider the papers timely filed on 1 April 2010, and to prepare an Office action consistent with this petition decision.

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

Remy Yucel
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

SEP 20 2010
OFFICE OF PETITIONS

STMICROELECTRONICS INC.
C/O WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

In re Application of	:	
Gioacchino Loiacono et al	:	
Application No. 12/038,297	:	DECISION ON PETITION
Filed: February 27, 2008	:	
Attorney Docket No. S1022.71217US00	:	

This is a decision on the petition under 37 CFR 1.182, filed July 22, 2010, to change the order of the names of the inventors.

The petition is **DISMISSED**.

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. The Supplemental Application Data Sheet submitted with the instant petition is not signed. Therefore, the petition is dismissed at this time.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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

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

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

By internet: EFS-Web
www.uspto.gov/ebc/efs_help.html
(for help using EFS-Web call the
Patent Electronic Business Center
at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STMICROELECTRONICS INC.
C/O WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

MAILED
OCT 01 2010
OFFICE OF PETITIONS

In re Application of	:	
Salvatore Tricomi et al	:	
Application No. 12/038,297	:	DECISION ON PETITION
Filed: February 27, 2008	:	
Attorney Docket No. S1022.71217US00	:	

This is a decision on the renewed petition under 37 CFR 1.182, filed September 29, 2010, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

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

This application is being referred to Technology Center AU 2838 for examination in due course.

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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
12/038,297	02/27/2008	2838	1030	S1022.71217US00	11	2

CONFIRMATION NO. 5370

CORRECTED FILING RECEIPT

46329
STMicroelectronics Inc.
c/o WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
BOSTON, MA 02210-2206

OC000000043772400

Date Mailed: 09/30/2010

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)

Salvatore Tricomi, S. Gregorio Di Catania (ct), ITALY;
Gioacchino Lo Iacono, Catania (ct), ITALY;
Patrizia Milazzo, S. Agata Li Battiati (ct), ITALY;

Assignment For Published Patent Application

STMicroelectronics S.R.L., Agrate Brianza, ITALY

Power of Attorney: The patent practitioners associated with Customer Number 46329

Domestic Priority data as claimed by applicant

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) EP 07103177.7 02/27/2007

Request to Retrieve - This application either claims priority to one or more applications filed in an intellectual property Office that participates in the Priority Document Exchange (PDX) program or contains a proper **Request to Retrieve Electronic Priority Application(s)** (PTO/SB/38 or its equivalent). Consequently, the USPTO will attempt to electronically retrieve these priority documents.

If Required, Foreign Filing License Granted: 03/15/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/038,297**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

VOLTAGE REGULATOR WITH LEAKAGE CURRENT COMPENSATION

Preliminary Class

323

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/038,353	02/27/2008	Mok Kun JEONG	322927US8	5466

7590 06/14/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
SMITH, DAVID

ART UNIT	PAPER NUMBER
2881	

NOTIFICATION DATE	DELIVERY MODE
06/14/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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	12038419
Filing Date	27-Feb-2008
First Named Inventor	Radoslaw Zakrzewski
Art Unit	2856
Examiner Name	ROBERT RAEVIS
Attorney Docket Number	048447/335921
Title	ROVING WIRELESS SENSOR AND METHOD FOR USE IN A VEHICLE HEALTH AND USAGE MONITORING SYSTEM

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 00826

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

10.40(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	Simmonds Precision Products, Inc.
Address	100 Panton Road
City	Vergennes
State	VT
Postal Code	05491
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/R. Flynt Strean/
Name	R. Flynt Strean
Registration Number	56450

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : October 14,2011

In re Application of :

Radoslaw Zakrzewski

Application No : 12038419

Filed : 27-Feb-2008

Attorney Docket No : 048447/335921

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 14,2011

The request is **APPROVED.**

The request was signed by R. Flynt Strean (registration no. 56450) on behalf of all attorneys/agents associated with Customer Number 00826 . All attorneys/agents associated with Cusotmer Number 00826 have been withdrawn.

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

Name	Simmonds Precision Products, Inc.
Name2	
Address 1	100 Panton Road
Address 2	
City	Vergennes
State	VT
Postal Code	05491
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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09/29/11

TO SPE OF : ART UNIT 2171

SUBJECT : Request for Certificate of Correction for Appl. No.: 12038454 Patent No.: 8006188

CofC mailroom date: 09/20/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: **Should the changes to claim 20 be approved?**

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Comments: _____

_____

_____

_____

_____

2171

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : October 14,2011

In re Application of :

Michael Lynch

Application No : 12038463

Filed : 27-Feb-2008

Attorney Docket No : 048447/335927

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 14,2011

The request is **APPROVED.**

The request was signed by R. Flynt Strean (registration no. 56450) on behalf of all attorneys/agents associated with Customer Number 00826 . All attorneys/agents associated with Cusotmer Number 00826 have been withdrawn.

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

Name	Simmonds Precision Products, Inc.
Name2	
Address 1	100 Panton Road
Address 2	
City	Vergennes
State	VT
Postal Code	05491
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	12038463
Filing Date	27-Feb-2008
First Named Inventor	Michael Lynch
Art Unit	3661
Examiner Name	GERTRUDE ARTHUR JEANGLAUDE
Attorney Docket Number	048447/335927
Title	VEHICLE HEALTH AND USAGE MONITORING SYSTEM AND METHOD

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 00826

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	Simmonds Precision Products, Inc.
Address	100 Panton Road
City	Vergennes
State	VT
Postal Code	05491
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/R. Flynt Strean/
Name	R. Flynt Strean
Registration Number	56450

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20101118

DATE : November 18, 2010

TO SPE OF : ART UNIT 2617

SUBJECT : Request for Certificate of Correction on Patent No.: RE41,845

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

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

Thank You For Your Assistance **Certificates of Correction Branch**

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

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/CHARLES N APPIAH/
Supervisory Patent Examiner.Art Unit 2617

PATENT Attorney Docket: 7310-A08-008RE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Nevin JENKINS

Appln. No.: 12/038,477

Filed: February 27, 2008

U.S. Patent No.: RE41,845

Issued: October 19, 2010

11/18/10
/JH/

REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT UNDER 37 C.F.R. § 1.322

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

Attention: Decision and Certificate of Correction Branch Of the Patent Issue Division

Dear Sir:

It is noted that an error appears in the printing of the above-identified patent. The exact location and nature of this error is as follows:

Claim 29, column 10, lines 14 to 35, change to print with sub-paragraph at line 26 as follows:

29. A personal emergency response communications system, comprising:

a portable, wireless communications unit intended to be carried by a user who may require emergency attention, the portable unit including a call button actuatable by the user to transmit a call request signal, and a speaker for playing first and second voice message to the user; and

a base communications unit for wirelessly communicating with the portable unit, the base unit being coupled with a communication system and responsive to a call request signal for establishing voice communications

between the user and an emergency response provider, memory in said system including first and second voice messages, wherein the first and second voice messages, respectively, indicate the status of the communications with the emergency response provider when the base unit initiates communication with the emergency response provider, and when the base unit terminates communications with the emergency response provider; and a controller for playing the first and second voice messages to a user through the speaker.

A Certificate of Correction is requested. A copy of form PTO/SB/44 is also submitted. If there are any questions regarding this Request a telephone call to the undersigned would be appreciated since this should expedite issuance of the Certificate.

No fee is believed to be due with this submission. However, please charge any required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned, Account No. 500601 (Docket No 7310-A08-008RE).

Respectfully submitted,

/Martin Fleit/

Martin Fleit, Reg. #16,900

FLEIT GIBBONS GUTMAN BONGINI & BIANCO, PL
21355 E. Dixie Highway, Suite 115
Miami, Florida 33180
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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

HORRIGAN CORPORATION
2300 EIGHTH ST.
OLIVENHAIN, CA 92024

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of	:	
David John Horrigan	:	
Application No. 12/038,483	:	DECISION ON PETITION
Filed: February 27, 2008	:	
Attorney Docket No.	:	

This is a decision on the petition, filed August 5, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

This application was held abandoned for failure to reply to the non-final Office action mailed April 27, 2009, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on July 28, 2009.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Petitioner asserts that rely to the Office action dated April 27, 2009 was not filed due to his inability to contact Examiner Syed or Supervisory Examiner Michael Astorino. Further petitioner attests that a reply was not filed due to the actions or inactions of his representative at The Nath Law Group.

Petitioner is directed to 37 CFR 1.135 which states:

> **§ 1.135 Abandonment for failure to reply within time period.**
> (a) if applicant of a patent application fails to reply within a time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.

Petitioner is further directed to 37 CFR 1.133(b) which reads in part:

> An interview does not remove the necessity for reply to Office actions as specified in § 1.111 and §1.135.

As there is no reply in the file and the petitioner has not replied to the Office action, the petition to withdraw the holding of abandonment cannot be granted at the present time.

ALTERNATIVE VENUE

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810 petition fee.

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

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

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

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

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

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

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/038,483	02/27/2008	David John Horrigan	

CONFIRMATION NO. 5715

POA ACCEPTANCE LETTER

61610
HORRIGAN CORPORATION
2300 EIGHTH ST.
OLIVENHAIN, CA 92024

OC000000043569217

Date Mailed: 09/17/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/05/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/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

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.
12/038,487	02/27/2008	Fenghao Mu	4015-6069 / P24846-US1	5720

24112 7590 09/09/2011
COATS & BENNETT, PLLC
1400 Crescent Green, Suite 300
Cary, NC 27518

EXAMINER
NGUYEN, SIMON

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
09/09/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COATS & BENNETT, PLLC
1400 Crescent Green, Suite 300
Cary NC 27518

In re Application of:
MU, FENGHAO
Application Serial No.: **12/038,487**
Filed: **February 27, 2008**
For: **ACTIVE CANCELLATION OF TRANSMITTER LEAKAGE IN A WIRELESS TRANSCEIVER**
Attorney Docket No.: **4015-6069 / P24846-US1**

DECISION
ON PETITION

This is a decision on the petition, filed July 11, 2011, to withdraw the finality of the Office action pursuant to 37 CFR § 1.181.

Petitioner alleges that the Office action dated May 27, 2011 was prematurely made final under MPEP § 706.07(a), because it introduced a new ground of rejection that was neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.1 7(p); that, prior to the final Office action of May 27, 2011, applicant had made no claim amendments at all; and that the rejections in the final Office action are not based on any information submitted by the applicant in an information disclosure statement.

Petitioner seeks the withdrawal of the finality of the Office action of May 27, 2011, entry of the amendment filed June 22, 2011 and examination of the amended claims.

BACKGROUND

On December 28, 2010, a non-final Office action was mailed rejecting claims 1-2, and 9-12 under 35 USC 102(e) as anticipated by US 2009/0232260 to Hayashi et al. and rejecting claims 1-8 and 11-19 under 35 USC 102(e) as anticipated by US 2009/0186582 to Muhammad et al. Further, claims 9, 10 and 20 were rejected under 35 USC 103(a) as obvious over a combination of Muhammad and Hayashi.

On March 23, 2011, applicant filed a response to the non-final office action. In the response applicant correctly stated that Hayashi is not prior art under 35 USC 102(e) with respect to the application since it was filed as international application that did not publish in English. The response also included a declaration under 37 CFR 1.131 swearing behind Muhammad. No amendments to the claims were made.

On May 27, 2011, an Office action was mailed. In that action, the examiner found the 131 declaration effective and rejected claims 1-8 and 11-20 using newly-cited prior art. In spite of the reliance of an entirely distinct set of prior art references, the examiner made the action final.

On June 22, 2011, applicant filed a response including amendments to the claims and remarks requesting withdrawal of the finality of the previous Office action and remarks in support of the patentability of the amended claims with respect to the newly cited prior art.

On June 27, 2011, an advisory action was mailed in which the examiner refused entry of the amendment and made no response to applicant's remarks requesting withdrawal of finality or supporting the patentability of the amended claims.

REGULATIONS AND PRACTICE

MPEP 706.07(a) [R-6] Final Rejection, When Proper on Second Action states in part:

> Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

OPINION

A review of the record shows that in the non-final action mailed December 28, 2010 the examiner relied on one reference that was clearly not prior art with respect to the application and another reference that was shown to not be prior art by the effective 131 declaration. In the subsequent action, mailed May 27, 2011, the examiner relied on an entirely distinct set of prior references. As such, the examiner introduced a new ground of rejection that was neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement. Therefore, the finality of that action was improper.

Accordingly, the petition to withdraw finality is **GRANTED**.

As a result of the petition decision, the finality of the Office action mailed May 27, 2011 is withdrawn and the advisory action mailed June 27, 2011 is withdrawn. The amendment filed on June 22, 2011 will be entered and the application is being forwarded to the examiner in order to mail out a complete office action that responds to that amendment and the remarks filed therewith.

Any inquiry regarding this decision should be directed to Daniel Swerdlow, Quality Assurance Specialist, at (571) 272-7531.

Richard K. Seidel, Director
Technology Center 2600
Communications

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Fenghao Mu**	)	
Serial No.: **12/038,487**	)	
Filed: **February 27, 2008**	)	PATENT PENDING
For: **Active Cancellation of Transmitter Leakage in a Wireless Transceiver**	)	Examiner: Mr. Simon Nguyen
	)	Group Art Unit: 2618
Docket No: **4015-6069**	)	Confirmation No.: 5720

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

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

This correspondence is being:

☒ electronically submitted via EFS-Web

Dear Sir:

The Applicant petitions the Director to review the finality of the Office Action dated 27 May 2011, pursuant to 37 CFR § 1.144. While no fees are believed due for entry of this petition, if any fees or charges are required, the Office is hereby authorized to charge them to Deposit Account 18-1167.

PETITION UNDER 37 CFR § 1.181 FOR WITHDRAWAL OF FINALITY OF OFFICE ACTION AND RE-OPENING OF PROSECUTION

Summary

The pending application is subject to a final Office Action dated 27 May 2011. This action was prematurely made final under MPEP § 706.07(a), because it introduced a new ground of rejection that was neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). In fact, prior to the final Office Action of 27 May 2011, Applicant had made no claim amendments at all. Furthermore, the rejections in the final Office Action are not based on any information submitted by the Applicant in an information disclosure statement.

In response to the final Office Action, Applicant promptly submitted proposed claim amendments to the examiner on 22 June 2011, along with an explanation of why the finality of the pending Office Action was improper and a request for withdrawal of the Office Action's finality. In an Advisory Action dated 27 June 2011, the amendments were refused entry.

Because the 27 May 2011 Office Action was improperly made final, the Applicant respectfully requests withdrawal of its finality. Entry of the amendments submitted 22 June 2011 and examination of the amended claims is also respectfully requested.

Facts

(a) The pending application was filed 27 February 2008, with 20 original claims.

(b) In a first Office Action dated 28 December 2010, claims 1-2 and 9-12 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Hayashi *et al.* (US 2009/0232260 A1), claims 1-8 and 11-19 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Muhammad *et al.* (US 2009/0186582 A1), and claims 9-10 and 20 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over Muhammad in view of Hayashi.

(c) In a response dated 23 March 2011, the Applicant submitted remarks demonstrating that Hayashi is not available as prior art under 35 U.S.C. § 102(e) because it is a U.S. patent application publication resulting from an international patent application (PCT/JP2006/315036) filed on or after November 29, 2000, designating the United States, but the international patent application PCT/JP2006/315036 was not published in English, but was instead published in Japanese, as WO2007/029429.

(d) In the same response dated 23 March 2011, the Applicant submitted an affidavit under 37 CFR § 1.131, along with evidentiary documentation, establishing invention of the pending claims prior to the effective date of Muhammad.

(e) In a Final Office Action dated 27 May 2011, the examiner withdrew all rejections based on Muhammad and/or Hayashi. The examiner provided a "Response to Arguments" section (Final Office Action p. 2) that states:

> *Applicant filed Rule 130, 131 Affidavits to challenge the filing date of Muhammad reference has been considered and accepted, however, the previous Office Action still be eligible under Muhammad but it is no longer used for the rejection. As the result, this Office Action is a FINAL ACTION based upon new references.*

(f) The Final Office Action dated 27 May 2011 rejected all of the pending claims over various combinations of newly cited references. None of the newly cited references (Loh, US 7,756 480 B2; Mirzai, US 2009/0017770; and Safarian, US 7,471,204 B2) were identified in any information disclosure statement submitted by the Applicant.

(g) On 22 June 2011, the Applicant submitted a response, including amendments to several of the claims, remarks as to patentability of the amended claims over the newly cited references, and remarks explaining that the finality of the office action was premature and requesting that the finality be withdrawn and the amended claims entered and considered.

(h) An Advisory Action dated 27 June 2011 indicates that the Applicant's amended claims were <u>not</u> entered, as "they raise new issues that would require further consideration

and/or search." The Advisory Action included no response to Applicant's arguments regarding the premature finality of the 27 May 2011 Office Action.

Points to Be Reviewed

The 27 May 2011 Office Action was prematurely made final, and the subsequent refusal to enter and consider the Applicant's amended claims was improper. Review of these actions is thus respectfully requested.

MPEP § 706.07 states as follows:

> *Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).*

In the present case, the 27 May 2011 Office Action was made final, despite the fact that it was based entirely on new grounds of rejection that were not necessitated by Applicant's amendment of the claims and were not based on information submitted in an information disclosure statement.

The examiner's justification of the finality of the Office Action is without basis in the rules or in Patent Office procedure as outlined in the MPEP. The examiner's comments are not clear, but can be read as an argument that there was nothing substantively wrong with the prior rejections over Muhammad, which were disqualified by the Applicant's establishment of a date of invention earlier than the effective date for Muhammad. However, the Patent Office procedures cited above do not include an exception whereby an office action including a new ground of rejection may be made final if that new rejection was necessitated by the Applicant's disqualification of the reference.

Alternatively, the examiner's comments might be read to argue that the examiner voluntarily withdrew the rejections over Muhammad, which is thus still "eligible," but "no longer

used." Again, however, the Patent Office procedures do not include an exception for actions including new grounds of rejection that arise because the examiner has withdrawn previous rejections; indeed, the MPEP appears to prohibit making an office action final in exactly this situation.

Even if it were true that it is proper to make final an Office Action based on new grounds necessitated by Applicant's disqualification of a reference on the grounds of prior rejection, it would still have been improper to make the 27 May 2011 action final. MPEP § 706.07(a) makes it clear that an action should not be made final if it contains <u>any</u> new grounds of rejection that were not necessitated by Applicant's amendments or information submissions. In the present case, claims 9, 10, and 20 were rejected in the first Office Action over a combination of Muhammad with Hayashi. Hayashi was <u>never</u> probably available as prior art under 35 U.S.C. § 102(e) and these rejections were improper from the outset. The withdrawal of these rejections in the 27 May 2011 was not necessitated by any action of the Applicant, and in particular was not necessitated by the Applicant's disqualification of Muhammad by establishing prior invention.

<u>Relief Requested</u>

The 27 May 2011 Office Action was made final prematurely. Because that action should not have been made final, the amendments submitted by Applicant on 22 June 2011 should have been entered and examined. The Applicant respectfully requests (1) that the finality of the 27 May 2011 be withdrawn; (2) that prosecution in the present application be re-opened; and (3) that the amendments submitted 22 June 2011 be entered and examined.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.

Dated: 11 July 2011

Daniel P. Homiller
Registration No.: 55,275

1400 Crescent Green, Suite 300
Cary, NC 27518

Telephone: (919) 854-1844
Facsimile: (919) 854-2084

UNITED STATES PATENT AND TRADEMARK OFFICE

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275 N. FIELD DRIVE
DEPT. NLEG BLDG H-1
LAKE FOREST, IL 60045-2579

MAILED
MAY 03 2011
OFFICE OF PETITIONS

In re Application of	:	
Fathallah et al.	:	
Application No. 12/038,507	:	ON PETITION
Filed: February 27, 2008	:	
Attorney Docket No. 7190USO1	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 10, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(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 September 11, 2010. A Notice of Abandonment was mailed December 27, 2010.

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

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

This application is being referred to Technology Center AU 3763 for processing of the reply and for appropriate action by the Examiner in the normal course of business on the Amendment submitted January 18, 2011.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHOATE, HALL & STEWART
CITRIX SYSTEMS, INC.
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of :
HAYTON, Richard et al. :
Application No. 12/038,522 :
Filed: February 27, 2008 :
Attorney Docket No. **2006579-1275 (CTX-061CON)** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 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
www.uspto.gov

BOYLE FREDRICKSON S.C.
840 North Plankinton Avenue
MILWAUKEE WI 53203

MAILED
JUN 20 2011
OFFICE OF PETITIONS

In re Application of :
Flegel :
Application No. 12/038,542 :
Filed: February 27, 2008 :
Attorney Docket No. 379.061 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned November 3, 2010 for failure to timely submit a proper reply to the final Office action mailed August 2, 2010. The final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed March 21, 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 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 2839 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA CA 90404

MAILED
OCT 08 2010
OFFICE OF PETITIONS

In re Application of	:	
Hanks et al.	:	
Application No. 12/038,545	:	DECISION ON PETITION
Filed: February 27, 2008		TO WITHDRAW FROM RECORD
Attorney Docket No. 999972.229479/SH-1	:	
	:	

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 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 Marian D. Walker on behalf of all attorneys of record.

All attorneys/agents of record 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 20, 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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Dallas A. Hanks
2100 Bengal Blvd F305
Cottonwood Heights, UT 84121

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
4 PARK PLAZA, SUITE 1600
IRVINE CA 92614-2558

MAILED

NOV 16 2010

OFFICE OF PETITIONS

In re Application of :
Xu ZOU, et al :
Application No. 12/038,592 : DECISION ON PETITION
Filed: February 27, 2008 : TO WITHDRAW
Attorney Docket No. 16126-4007 : 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.**

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 the certifications noted above at items (1), (2) and (3) above have been performed. Please see the attached form PTO/SB/83 - Request for Withdrawal as Attorney or Agent.

Further, 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.

In this regard, the request cannot be approved because the correspondence address is not that of a practitioner or law firm with a proper power of attorney, nor is the correspondence address that of an assignee who has properly become of record as set forth in 37 CRF 3.71 or the first named inventor.

In addition, the request cannot be approved because the attorneys of record were not appointed through the use of the Customer No. indicated, the attorneys were appointed individually.

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

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

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

Attachment: PTO/SB/83 – Request for Withdrawal As Attorney or Agent

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.
12/038,613	02/27/2008	Sack A. James	39-1025	5966

36163 7590 04/08/2011
PLUMSEA LAW GROUP, LLC
10411 MOTOR CITY DRIVE
SUITE 320
BETHESDA, MD 20817

EXAMINER
SCHAPER, MICHAEL T

ART UNIT	PAPER NUMBER
3775	

MAIL DATE	DELIVERY MODE
04/08/2011	PAPER

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

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

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12038613	2/27/2008	JAMES ET AL.	39-1025

EXAMINER
MICHAEL T.. SCHAPER

ART UNIT	PAPER
3775	20110404

DATE MAILED:

PLUMSEA LAW GROUP, LLC
10411 MOTOR CITY DRIVE
SUITE 320
BETHESDA, MD 20817

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

Commissioner for Patents

DETAILED ACTION

Inventorship
In view of the papers filed 27 Jul 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 changing the inventor name "Sack A. James" to "James A. Sack".
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.

Conclusion
Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. SCHAPER whose telephone number is (571)270-7413. The examiner can normally be reached on M-F, 7:30am-5:00pm.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Barrett can be reached on (571)272-4746. 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.

/Thomas C. Barrett/
Supervisory Patent Examiner, Art Unit 3775

/MICHAEL T. SCHAPER/
Examiner, Art Unit 3775

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.
12/038,629	02/27/2008	Sack A. James	39-1028	5989

36163 7590 04/08/2011
PLUMSEA LAW GROUP, LLC
10411 MOTOR CITY DRIVE
SUITE 320
BETHESDA, MD 20817

EXAMINER
SCHAPER, MICHAEL T

ART UNIT	PAPER NUMBER
3775	

MAIL DATE	DELIVERY MODE
04/08/2011	PAPER

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

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

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12038629	2/27/2008	JAMES ET AL.	39-1028

PLUMSEA LAW GROUP, LLC
10411 MOTOR CITY DRIVE
SUITE 320
BETHESDA, MD 20817

EXAMINER
MICHAEL T.. SCHAPER

ART UNIT	PAPER
3775	20110404

DATE MAILED:

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

Commissioner for Patents

DETAILED ACTION

Inventorship
In view of the papers filed 27 Jul 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 changing the inventor name "Sack A. James" to "James A. Sack".
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.

Conclusion
Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. SCHAPER whose telephone number is (571)270-7413. The examiner can normally be reached on M-F, 7:30am-5:00pm.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Barrett can be reached on (571)272-4746. 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.

/Thomas C. Barrett/
Supervisory Patent Examiner, Art Unit 3775

/MICHAEL T. SCHAPER/
Examiner, Art Unit 3775

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/038,640	02/27/2008	Naohiro Namiki	4554-053	6017

7590 12/30/2010
LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

EXAMINER
BANH, DAVID H

ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
12/30/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

MAILED
NOV 23 2011
OFFICE OF PETITIONS

In re Patent No. 7,933,256 :
Issue Date : April 26, 2011 :
Application No. 12/038,724 :
Filed : February 27, 2008 :
Attorney Docket No. 071339 :

DECISION ON PETITION

This is in response to the petition under 37 CFR 1.59(b), filed June 29, 2010, to expunge information submitted under MPEP 724.05(II).

The petition is **DISMISSED.**

Petitioner asserts that the Combined Declaration/Power of Attorney, filed May 5, 2008, is incorrectly filed as evidenced by the Docket No. 071369, the Application No. 12/034,420, and the filing date of February 20, 2008.

A petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that:

(A) the Office can effect such return prior to the issuance of any patent on the application in issue;
(B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
(C) the information has not otherwise been made public;
(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
(E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and
(F) the petition fee as set forth in 37 CFR 1.17(g) is included.

The instant petition fails to comply with item (A), (B), (C) and (D) above.

With regard to (A), the instant case issued on April 6, 2011. With regard to (B), (C), (D), the petitioner provides no statements that the failure to obtain return of the Combined Declaration/Power of Attorney would cause irreparable harm to the party who submitted the

information, that the information has not otherwise been made public, and that there is a commitment on the part of the petitioner to retain such information for the period of any patent to which such information is submitted.

For the reasons given above, the petition under 37 CFR 1.59, to expunge the Combined Declaration/Power of Attorney filed May 30, 2008, is dismissed.

Telephone inquiries regarding this decision should be directed to Joanne Hama at (571) 272-2911 or in her absence, the undersigned, at (571) 272-7099.

The application file is being referred to Technology Center AU 2443 for further processing.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Mar-11

HORRIGAN CORPORATION
2300 EIGHTH ST.
OLIVENHAIN CA 92024

MAILED
MAR 30 2011
OFFICE OF PETITIONS

In re Application of David John Horrigan Application Number: 12/038,727 Filing Date: 02/27/2008 For: METHOD AND DEVICE FOR THE CLEANING AND MEDICAL TREATMENT OF EXTREMITIES	:	ON PETITION

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 May 2, 2010, for failure to timely reply to the non-final Office action mailed on February 1, 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 August 12, 2010.

Receipt of the amendment filed on February 10, 2011 is acknowledged.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply.[1] The three (3)-month extension request filed on February 10, 2011, was submitted more than three (3) months after the end of the period for reply to the non-final Office action mailed on February 1, 2010, and therefore is unnecessary. The extension of time fee

[1] See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

paid on February 10, 2011, will be refunded to applicant's credit card.

The application is referred to Technology Center Art Unit 3761 for further processing.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8-18-10

TO SPE OF : ART UNIT 2874

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/038,784 Patent No.: 7476039

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

FOR IFW FILES: Check fig.

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 9C62-D
Palm Location 7580

Ennis Young
Certificates of Correction Branch
703-756-1542

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 Request for Certificate of Correction filed 8/2/10 for the purpose of correcting typographical errors

Mehaule
SPE

2874
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON TX 77208-1389

MAILED
NOV 22 2010
OFFICE OF PETITIONS

In re Application of	:	
Jack Richards	:	DECISION ON PETITION
Application No. 12/038,888	:	TO WITHDRAW
Filed: February 28, 2008	:	FROM RECORD
Attorney Docket No. **014589.2**	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed November 5, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The 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 Jeffrey S.Whittle on behalf of all attorneys of record who are associated with Customer Number 35979.

All attorneys/agents associated with Customer Number 35979 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 Jack Richards at the address indicated below.

There is an outstanding Office action mailed September 14, 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: Jack Richards
101 Meadowlark Lane
Southlake, TX 76092

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

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Patent No. 7,709,913 :
Issue Date: May 4, 2010 :
Application No. 12/038,914 : ON PETITION
Filed: February 28, 2008 :
Attorney Docket No. 4459-263 :

This is a decision on the petition filed July 22, 2010, which will be treated as a request under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **DISMISSED**.

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(h) of this chapter.

The request under 37 CFR 3.81(b) was not accompanied by the required fee of $130. Petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

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 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

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.
12/038,963	02/28/2008	Jean J.G. Rutten	P0031687.00/LG10126	6643

27581 • 7590 12/30/2010
MEDTRONIC, INC.
710 MEDTRONIC PARKWAY NE
MINNEAPOLIS, MN 55432-9924

EXAMINER
EL-KAISSI, HIBA CARINE

ART UNIT	PAPER NUMBER
3762	

NOTIFICATION DATE	DELIVERY MODE
12/30/2010	ELECTRONIC

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

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

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

rs.docketingus@medtronic.com
sso@cardinal-ip.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

MEDTRONIC, INC.
710 MEDTRONIC PARKWAY NE
MINNEAPOLIS MN 55432-9924

In re Application of: RUTTEN, JEAN J.G. et al Serial No.: 12/038,963 Filed: Feb. 28, 2008 Docket: P0031687.00/LG10126 Title: IMPLANTABLE MEDICAL DEVICE SYSTEM WITH FIXATION MEMBER	DECISION ON PETITION

This is a decision on the petition filed on October 18, 2010 seeking withdrawal of the finality of the Office action mailed July 16, 2010. This petition is being considered pursuant to 37 CFR §1.181. No fee is required. The $130.00 petition fee paid will be refunded upon written request.

The petition is dismissed as untimely.

In the October 18, 2010 petition, the petitioner requests the finality of the Office action of July 16, 2010 be reconsidered and withdrawn because the applicant believes that the final rejection was premature. In particular, petitioner argues that the final rejection was not necessitated by the applicant's amendment. Therefore, petitioner believes the rejection is improper.

A further review of the file record shows that the instant petition was filed more than two months after the mailing date of the final Office action of July 16, 2010. Pursuant to 37 CFR 1.181(f)[1], the petition is not timely filed since the petition was not filed within two months of the action complained of. As the petition was not timely filed, the requested withdrawal of finality of the Office action of July 16, 2010 will not be granted. Based on the reason as stated above, petitioner's request to withdraw the finality of the Office action dated July 16, 2010 is hereby dismissed as untimely.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled

[1] 37 CFR 1.181(f): The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

"Renewed Petition under 37 CFR 1.181". The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED AS UNTIMELY.

for

Angela D. Sykes, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DATE: October 18, 2011
TO: Certificates of Correction Branch
FROM: Renee S. Luebke
SPE, Art Unit 2833
SUBJECT: REQUEST FOR CERTIFICATE OF CORRECTION

Please issue a Certificate of Correction in U. S. Letters Patent No. 7,581,989 as specified on the attached Certificate.

/renee s luebke/
Renee Luebke
SPE - AU 2833

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE

Patent No. 7,581,989
Patented: September 1, 2009

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

William Wheatley	Rochester, NY
Robert G. Bray	Webster, NY

/renee s luebke/
Renee Luebke
SPE - AU 2833

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED

AUG 11 2011

OFFICE OF PETITIONS

In re Application of :
Mark Gonikberg et al. :
Application No. 12/038,996 : ON PETITION
Filed: February 28, 2008 :
Attorney Docket No. 18329US02 :

This is a decision on the petition filed July 27, 2011 under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the non-final Office action mailed December 23, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 24, 2011. A Notice of Abandonment was mailed on July 12, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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 2618 for appropriate action by the Examiner in the normal course of business on the reply received July 27, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCDONNELL BOEHNEN
HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

MAILED
MAY 17 2011
OFFICE OF PETITIONS

In re Application of	:	
Wahhab, et al.	:	
Application No. 12/039,141	:	DECISION
Filed/Deposited: 28 February, 2008	:	
Attorney Docket No. Met-052US1 (11-002-US)	:	

This is a decision on the petition filed on 4 January, 2011, 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**.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue.

Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[1]

*In the event that such an inquiry has not been made, Petitioner **must** make such an inquiry.*

*If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional, Petitioner **must** notify the Office.*

[1] See 37 C.F.R. §10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

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

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Non-Compliant Amendment mailed on 27 May, 2010, with reply due absent extension of time on or before 27 June, 2010.

The application went abandoned by operation of law after midnight 27 June, 2010.

It does not appear that the Office mailed the Notice of Abandonment before a petition was filed.

On 4 January, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, a reply in the form of an amendment, and made the statement of unintentional delay.

The Office mailed the Notice of Abandonment on 19 January, 2011.

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]

[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).

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.

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 1626 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.

---

[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.

[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.

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	12039172
Filing Date	28-Feb-2008
First Named Inventor	Eitatsu YOSHIDA
Art Unit	2471
Examiner Name	KOUROUSH MOHEBBI
Attorney Docket Number	221.1062
Title	NETWORK TEST APPARATUS, NETWORK TEST METHOD AND NETWORK TEST PROGRAM

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

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

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

Petition Fee

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

Reason for withdrawal from issue

○ One or more claims are unpatentable

◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)

○ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request,submission, and fee.

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on

☒ 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	/Mehdi D. Sheikerz/
Name	Mehdi D. Sheikerz
Registration Number	41307

UNITED STATES 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 22,2011

In re Application of :

Eitatsu YOSHIDA

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12039172

Filed : 28-Feb-2008

Attorney Docket No : 221.1062

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 22,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

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

This application file is being referred to Technology Center AU 2471 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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JUL 19 2011
OFFICE OF PETITIONS

IBM CORPORATION
LOTUS SOFTWARE
ONE ROGERS STREET
CAMBRIDGE MA 02142

In re Application of	:	
Rajesh P. Thakkar et al.	:	
Application No. 12/039,190	:	DECISION ON PETITION
Filed: February 28, 2008	:	
Attorney Docket No. **IN920060091US1**	:	
(21773)		

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, May 28, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 29, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1620, and (3) an adequate statement of unintentional delay. Accordingly, the reply to the non-final Office action of May 28, 2010 is accepted as having been unintentionally delayed.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

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

This application is being referred to Technology Center AU 2114 for appropriate action on the concurrently filed amendment.

Thurman K. Page for
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **JOHN SENSNY**
SCULLY SCOTT MURPHY AND PRESSER
400 GARDEN CITY PLAZA
GARDEN CITY NY 11530

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of	:	
Harry Hedler et al	:	
Application No. 12/039,232	:	DECISION ON PETITION
Filed: February 28, 2008	:	TO WITHDRAW
Attorney Docket No. QIM 2007 P 51086 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
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/039,232	02/28/2008	Harry Hedler	QIM 2007 P 51086 US

CONFIRMATION NO. 7107

POWER OF ATTORNEY NOTICE

68038
SLATER & MATSIL, L.L.P.
17950 PRESTON ROAD
SUITE 1000
DALLAS, TX 75252

OC000000046626775

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

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
12/039,232	02/28/2008	Harry Hedler	QIM 2007 P 51086 US

CONFIRMATION NO. 7107

Qimonda AG
Gustav - Heinemann - Ring 212
Munich, 81739
GERMANY

POA ACCEPTANCE LETTER

OC000000046626776

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.: _____

DATE : 9/29/11

TO SPE OF : ART UNIT: 1624

12/039,239 4/4/12

SUBJECT : Request for Certificate of Correction for Appl. No.: ~~12/139,239~~ Patent No. 7,547,690

CofC mailroom date 9/23/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Ernest C. White, LIE

Certificates of Correction Branch

703-756-1814 _____

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

SPE

1624
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 9/29/11

TO SPE OF : ART UNIT: 1624

12/039,239 4/4/12

SUBJECT : Request for Certificate of Correction for Appl. No.: ~~12/139,239~~ Patent No. 7,547,690

CofC mailroom date 9/23/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Ernest C. White, LIE

Certificates of Correction Branch

703-756-1814 _____

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

SPE

1624
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : April 4, 2012

In re Application of :

Jiro Kiyama

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12039246

Filed : 28-Feb-2008

Attorney Docket No : 61405DIV(70904)

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 4, 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 2162 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	12039246
Filing Date	28-Feb-2008
First Named Inventor	Jiro Kiyama
Art Unit	2162
Examiner Name	BAOQUOC TO
Attorney Docket Number	61405DIV(70904)
Title	DATA MANAGEMENT METHOD USING A TABLE, AND RELATED STORAGE DEVICE, STORAGE MEDIUM AND PROGRAM

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

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

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

Petition Fee

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

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

☐ Applicant(s) status remains as SMALL ENTITY.

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

Reason for withdrawal from issue

○ One or more claims are unpatentable

◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)

○ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request,submission, and fee.

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on

☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

○ A sole inventor

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

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

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

Signature	/Steven M. Jensen/
Name	Steven M. Jensen
Registration Number	42693

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Paper No.

BAKER BOTTS LLP
C/O INTELLECTUAL PROPERTY
DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON DC 20004-2400

MAILED
APR 21 2011
OFFICE OF PETITIONS

In re Application of	:	
Takamasa Usui	:	DECISION ON PETITION
Application No. 12/039,283	:	
Filed: February 28, 2008	:	
Atty Docket No. 076376.1058	:	

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed April 1, 2011.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a timely and proper reply to the non-final Office action mailed September 2, 2010. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply timely filed and no extension of time obtained, the application became abandoned effective December 3, 2010. A courtesy Notice of Abandonment was mailed on March 16, 2011.

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

Technology Center AU 2853 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed April 1, 2011.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/039,297	02/28/2008	Tetsuya Inoue	322996US0	7230

7590 10/14/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
VETERE, ROBERT A

ART UNIT	PAPER NUMBER
1712	

NOTIFICATION DATE	DELIVERY MODE
10/14/2010	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.

Nomi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 10/13/2010 [illegible]
[illegible] INTERNAL [illegible] 12039297
[illegible] -516.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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MAR 17 2011

OFFICE OF PETITIONS

ELIAS BORGES
56 Aberfoyle Crescent, Suite 840
Canada ON M8X2W-4 CA CANADA

In re Application of	:	
George PUVVADA	:	DECISION GRANTING PETITION
Application No. 12/039,315	:	UNDER 37 CFR 1.137(b)
Filed: Febraury 28, 2008	:	
Atty. Docket No.: 02-2672	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 27, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the nonfinal Office action mailed March 31, 2010, which set a shortened statutory period for reply three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application thus become abandoned on July 1, 2010, and a Notice of Abandonment was mailed October 14, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the reply, unless previously filed; (2) a petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The instant 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 nonfinal Office action, (2) a petition fee of $810, and (3) a statement of unintentional delay. The reply to the nonfinal Office action is accepted as having been unintentionally delayed.

There is no indication that the person signing the instant petition was ever given Power of Attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarsding this application, the appropriate power of attorney or authorization of agent must be submitted.

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

The application file will be referred to the Technology Center Art Unit 1732 for further processing of the filed response.

Ramesh Krishnamurthy

for David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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INTERNATIONAL BUSINESS MACHINES CORPORATION
650 Harry Road, L2PA/J2C
INTELLECTUAL PROPERTY LAW
SAN JOSE CA 95120-6099

MAILED
DEC 06 2011
OFFICE OF PETITIONS

In re Application of	:	
Mark E. Molander et al.	:	
Application No. 12/039,322	:	DECISION ON PETITION
Filed: February 28, 2008	:	
Attorney Docket No. **SJO920030047US2**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 21, 2011, to revive the above-identified application.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 29, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed June 29, 2011. Accordingly, the date of abandonment of this application is September 30, 2011.

The petition is hereby **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,740 and the publication fee of $300, (2) the petition fee of $1,860; and (3) a proper statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

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

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES 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. : 7918159
Application No.: 12/039468
Inventor(s) : Bernhard Brendel et al.
Issued : 04/05/2011
Attorney Docket No.: 081230-000400US

Re: Request for Certificate of Correction

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

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1. 17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

By fax: 571-273-0025
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Tasneem Siddiqui
For Mary Diggs (Supervisor)
Decisions & Certificates of Correction Branch
(703) **756-1593** or (703) 756-1814
Date: 06/07/2011

Address: Darin J. Gibby
KILPATRICK TOWNSEND & STOCKTON LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834

ts

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P.O. Box 1450
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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

MAILED
OCT 22 2010
OFFICE OF PETITIONS

In re Application of :
Alain THEVENON et al. :
Application No. 12/039,517 : NOTICE UNDER 37 CFR. 1.28(c)
Patent No. 7,782,455 :
Filed: February 28, 2008 :
Attorney Docket No. **HJYS 0109 PUSA**

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

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

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

Per authorization given to the Office to charge any additional fees, an additional $755.00 for the remaining amount due for the issue fee at large entity, has been charged to the petitioners deposit account.

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

Inquiries related to this communication should be directed to Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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REED SMITH LLP
P.O. BOX 488
PITTSBURGH PA 15230-0488

MAILED

APR 26 2011

OFFICE OF PETITIONS

In re Application of	:
Stetten et al.	: DECISION ON PETITION
Application No. 12/039,518	: UNDER 37 CFR 1.78(a)(3)
Filed: February 28, 2008	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 00-379-US-P2	:

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

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) 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 applications, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

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

With respect to item (1), upon a review of the amendment to the specification submitted with the instant petition, it appears the continuity chain claimed is improper.

When a later-filed application is claiming the benefit of a prior- filed nonprovisional application under 35 U.S.C. 120, 121, or 365(c), 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.

MPEP 201.11(III)(3) states:

If applicant wishes that the pending application have the benefit of the filing date of the first filed application, applicant must, besides making reference to the intermediate application, also make reference to the first application. See *Sticker Indus. Supply Corp. v. Blaw-Knox Co.*, 405 F.2d 90, 160 USPQ 177 (7th Cir. 1968) and *Hovlid v. Asari*, 305 F. 2d 747, 134 USPQ 162 (9th Cir. 1962). The reference to the prior applications must identify all of the prior applications and indicate the relationship (i.e., continuation, divisional, or continuation-in-part) between each nonprovisional application in order to establish copendency throughout the entire chain of prior applications. Appropriate references must be made in each intermediate application in the chain of prior applications. If an applicant desires, for example, the following benefit claim: "this application is a continuation of Application No. C, filed ---, which is a continuation of Application No. B, filed ---, which claims the benefit of provisional Application No. A, filed ---," then Application No. C must have a reference to Application No. B and provisional Application No. A, and Application No.B must have a reference to provisional Application No. A.

A review of current USTPO records reveals no reference in Application No. 10/126,453 to Application Nos. 09/686,677 or 60/216,860. Before the instant application can properly claim the benefit of the previous applications, a petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) must be filed in Application No. 10/126,453 to correct the above.

Further, 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) 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 language required 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii), 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.

Accordingly, before the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) can be granted, a substitute amendment correcting the above matters, along with a renewed petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), is required. No further petition fee is necessary.

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 Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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P.O. BOX 488
PITTSBURGH PA 15230-0488

MAILED
FEB 06 2012
OFFICE OF PETITIONS

In re Application of
Stetten et al.
Application No. 12/039,518
Filed: February 28, 2008
Attorney Docket No. 00-379-US-P2

DECISION DISMISSING PETITIONS
UNDER 37 CFR 1.78(a)(3) AND (a)(6)

This is a decision on the renewed petitions under 37 CFR 1.78(a)(3) and 1.78(a)(6), filed January 24, 2012, 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 Amendment filed concurrently with the instant petition.

It is noted that petitioner asserts that" petitions correcting the priority claim of U.S. Application Serial Number 10/126,453, now U.S. Patent Number 7,559,895 and U.S. Application Serial Number 12/043,624 are being filed herewith. Additionally, a certificate of correction is being filed for U.S. Application Serial Number 10/126,453, now U.S. Patent Number 7,559,895 herewith."

The petitions are **DISMISSED**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

> **(1)** the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
> **(2)** the surcharge set forth in § 1.17(t); and
> **(3)** a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

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

With respect to item (1), when a later-filed application is claiming the benefit of a prior- filed nonprovisional application under 35 U.S.C. 120, 121, or 365(c), 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.

MPEP 201.11(III)(3) states:

If applicant wishes that the pending application have the benefit of the filing date of the first filed application, applicant must, besides making reference to the intermediate application, also make reference to the first application. See *Sticker Indus. Supply Corp. v. Blaw-Knox Co.*, 405 F.2d 90, 160 USPQ 177 (7th Cir. 1968) and *Hovlid v. Asari*, 305 F. 2d 747, 134 USPQ 162 (9th Cir. 1962). The reference to the prior applications must identify all of the prior applications and indicate the relationship (i.e., continuation, divisional, or continuation-in-part) between each nonprovisional application in order to establish copendency throughout the entire chain of prior applications. Appropriate references must be made in each intermediate application in the chain of prior applications. If an applicant desires, for example, the following benefit claim: "this application is a continuation of Application No. C, filed ---, which is a continuation of Application No. B, filed ---, which claims the benefit of provisional Application No. A, filed ---," then Application No. C must have a reference to Application No. B and provisional Application No. A, and Application No.B must have a reference to provisional Application No. A.

A review of current USPTO records reveals no reference in Application No. 10/126,453, filed on April 19, 2002 and issued as Patent No. 7,559,895 on July 14, 2009, to Application No. 60/216,860. Since provisional Application No. 60/216,860 was filed on July 7, 2000, no copendency exists between these two applications. Copendency between the instant application and the prior applications is required. Since the applications are not copending, the benefit claim to the prior-filed nonprovisional and provisional is improper. Applicant is required to delete the reference to the prior-filed application from the first sentence(s) of the specification, unless applicant can establish copendency between the applications.

Additionally, petitioner has requested benefit of the instant application as a CIP of Application No. 09/686,677, filed on October 11, 2000 and issued as Patent No. 7,559,895 on July 29, 2003. Since the instant application was filed on February 28, 2008, no copendency exists between these two applications. Copendency between the instant application and the prior applications is required. Since the applications are not copending, the benefit claim to the prior-filed nonprovisional is improper. Applicant is required to delete the reference to the prior-filed application from the first sentence(s) of the specification, unless applicant can establish copendency between the applications.

Further, 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) 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 language required 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii), 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.

Accordingly, before the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) can be granted, a substitute amendment correcting the above matters, along with a renewed petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), is required. No further petition fee is necessary.

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

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

By hand: Customer Window located at:
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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 Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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REED SMITH LLP
P.O. BOX 488
PITTSBURGH PA 15230-0488

MAILED
MAR 12 2012
OFFICE OF PETITIONS

In re Application of	:	
Stetten et al.	:	
Application No. 12/039,518	:	DECISION ON PETITION
Filed: February 28, 2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 00-379-US-P2	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 8, 2012, 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 concurrently filed.

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 application has been included in an amendment, 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.

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 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 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 3768 for appropriate action on the amendment filed February 8, 2012, 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
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
12/039,518	02/28/2008	3768	500	00-379-US-P2	12	1

CONFIRMATION NO. 7652

CORRECTED FILING RECEIPT

718
REED SMITH LLP
P.O. BOX 488
PITTSBURGH, PA 15230-0488

OC000000053042120

Date Mailed: 03/09/2012

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)

George De Witt STETTEN, Pittsburgh, PA;
William David WEISER, Coraopolis, PA;
David C. WANG, Pittsburgh, PA;
John M. GALEOTTI, Pittsburgh, PA;
Damion M. SHELTON, Pittsburgh, PA;

Power of Attorney: The patent practitioners associated with Customer Number 718

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/893,047 03/05/2007
and is a CIP of 10/126,453 04/19/2002 PAT 7559895
which is a CIP of 09/686,677 10/11/2000 PAT 6599247

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: 03/22/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/039,518**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

COMBINING TOMOGRAPHIC IMAGES IN SITU WITH DIRECT VISION IN STERILE ENVIRONMENTS

Preliminary Class

600

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/039,551	02/28/2008	Daruka Mahadevan	320234US20	7715

7590 09/20/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
PIHONAK, SARAH

ART UNIT	PAPER NUMBER
1627	

NOTIFICATION DATE	DELIVERY MODE
09/20/2011	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

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

FORM PTOM327-5 (Rev. 02/08)

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September 18, 2011

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

In re Application of	:	
Daruka Mahadevan et al.	:	**DECISION ON PETITION**
Application No. 12039551	:	
Filed: 02/28/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **320234US20**	:	***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 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.

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

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MAILED
AUG 23 2011
OFFICE OF PETITIONS

In re Application of :
Cheng et al. :
Application No. 12/039,592 : ON PETITION
Filed: February 28, 2008 :
Attorney Docket No. P1159-31 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 11, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 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 February 18, 2011. A Notice of Abandonment was mailed June 15, 2011.

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

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

This application is being referred to Technology Center AU 1734 for appropriate action by the Examiner in the normal course of business on the reply received August 11, 2011.

/A. Kelley-Collier/
Alicia Kelley-Collier
Petitions Examiner
Office of Petitions

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Prioritätsbescheinigung über die Einreichung einer Patentanmeldung

Aktenzeichen:	101 07 703.3
Anmeldetag:	19. Februar 2001
Anmelder/Inhaber:	Siemens Aktiengesellschaft, München/DE
Bezeichnung:	Verfahren und Vorrichtung zur Datenübertragung gemäß einem Hybrid-ARQ-Verfahren
IPC:	H 04 L, H 03 M

Die angehefteten Stücke sind eine richtige und genaue Wiedergabe der ursprünglichen Unterlagen dieser Patentanmeldung.

München, den 14. März 2002
Deutsches Patent- und Markenamt
Der Präsident
Im Auftrag

Sleck

A 9161
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DE 101 07 703.5 v. 19.2.2001

Beschreibung

Verfahren und Vorrichtung zur Datenübertragung gemäß einem Hybrid-ARQ-Verfahren

Die vorliegende Erfindung betrifft ein Verfahren sowie eine entsprechend ausgestaltete Vorrichtung zur Datenübertragung gemäß einem Hybrid-ARQ-Verfahren in einem Kommunikationssystem, insbesondere einem Mobilfunksystem.

Insbesondere in Verbindung mit Mobilfunksystemen wird häufig die Verwendung sogenannter Paketzugriffsverfahren bzw. paketorientierter Datenverbindungen vorgeschlagen, da die aufkommenden Nachrichtentypen häufig einen sehr hohen Burstfaktor besitzen, so dass nur kurze Aktivitätsperioden existieren, die von langen Ruhephasen unterbrochen sind. Paketorientierte Datenverbindungen können in diesem Fall die Effizienz im Vergleich mit anderen Datenübertragungsverfahren, bei denen ein kontinuierlicher Datenstrom vorhanden ist, erheblich steigern, da bei Datenübertragungsverfahren mit einem kontinuierlichen Datenstrom eine einmal zugeteilte Ressource, wie z. B. eine Trägerfrequenz oder ein Zeitschlitz, während der gesamten Kommunikationsbeziehung zugeteilt bleibt, d.h. eine Ressource bleibt auch dann belegt, wenn momentan keine Datenübertragungen anliegen, so dass diese Ressource für andere Netzteilnehmer nicht zur Verfügung steht. Dies führt zu einer nicht optimalen Nutzung des knappen Frequenzspektrums für Mobilfunksysteme.

Zukünftige Mobilfunksysteme, wie beispielsweise gemäß dem UMTS-Mobilfunkstandard („Universal Mobile Telecommunications System"), werden eine Vielzahl unterschiedlicher Dienste anbieten, wobei neben der reinen Sprachübertragung Multimedia-Anwendungen zunehmend an Bedeutung gewinnen werden. Die damit einhergehende Dienstevielfalt mit unterschiedlichen Übertragungsraten erfordert ein sehr flexibles Zugriffsprotokoll auf der Luftschnittstelle zukünftiger Mobilfunksysteme. Paketori-

entierte Datenübertragungsverfahren haben sich hier als sehr geeignet erwiesen.

Im Zusammenhang mit UMTS-Mobilfunksystemen wurde bei paketorientierten Datenverbindungen ein sogenanntes ARQ-Verfahren („Automatic Repeat Request") vorgeschlagen. Dabei werden die von einem Sender an einen Empfänger übertragenen Datenpakete empfängerseitig nach ihrer Dekodierung hinsichtlich ihrer Qualität überprüft. Ist ein empfangenes Datenpaket fehlerhaft, fordert der Empfänger eine erneute Übertragung dieses Datenpakets von dem Sender an, d.h. es wird ein Wiederholungsdatenpaket von dem Sender an den Empfänger gesendet, welches mit dem zuvor gesendeten und fehlerhaft empfangenen Datenpaket identisch bzw. teilweise identisch ist (je nach dem, ob das Wiederholungsdatenpaket weniger oder gleich viele Daten wie das ursprüngliche Datenpaket enthält, wird von einer vollen oder einer partiellen Wiederholung gesprochen). Hinsichtlich des für den UMTS-Mobilfunkstandard vorgeschlagenen ARQ-Verfahrens ist sowohl die Übertragung von Daten als auch von sogenannten Headerinformationen in einem Datenpaket vorgesehen, wobei die Headerinformationen auch Informationen zur Fehlerüberprüfung, wie beispielsweise CRC-Bits („Cyclic Redundancy Check") aufweisen, und auch zur Fehlerkorrektur codiert sein können (sog. FEC, Forward Error Correction).

Gemäß den derzeitigen Vorschlägen der UMTS-Spezifikation ist die Einführung eines sogenannten Hybrid-ARQ-Verfahrens vorgesehen, welches auch als „Incremental Redundancy"-ARQ-Verfahren bezeichnet wird. Der Hauptunterschied zu dem zuvor beschriebenen herkömmlichen ARQ-Verfahren ist, dass im Empfänger eine Codierung unter Verwendung mehrerer Datenpakete mit gleichem Informationsursprung, aber unterschiedlicher Kanalcodierung durchgeführt wird. D.h. es werden mehrere Datenpakete mit gleichem Informationsursprung decodiert und ausgewertet, bis ein ursprünglich übertragenes Datenpaket im Empfänger als fehlerfrei decodiert gilt. Im Gegensatz zu dem zuvor beschriebenen ARQ-Verfahren sind bei dem Hybrid-ARQ-

Verfahren die Wiederholungsdatenpakete (welche auch als „Retransmission" bezeichnet werden) typischerweise nicht mit dem ursprünglich gesendeten Datenpaket identisch.

In Fig. 3 ist die Signalverarbeitung für das gemäß dem derzeitigen Stand der UMTS-Standardisierung diskutierte Hybrid-ARQ-Verfahren dargestellt.

Wie in Fig. 3 gezeigt ist, ist die Erzeugung des Übertragungssignals in die Verarbeitung der eigentlichen Daten und die Verarbeitung der Headerinformationen untergliedert. Auf der Headerseite werden die von einem Funktionsblock 3 erzeugten Headerinformationen einem Funktionsblock 12 zugeführt, welcher dafür sorgt, dass sämtliche Header von allen Datenpaketen, die in dem selben Funkpaket gesendet werden sollen, zu einem einzigen Header zusammengefasst werden (sog. „Header Concatenation"). Ein Funktionsblock 13 fügt den daraus resultierenden Headerinformationen CRC-Bits zur Fehlererkennung hinzu. Anschließend wird von einem Funktionsblock 14 eine Kanalcodierung und von einem Funktionsblock 15 eine Ratenanpassung des daraus resultierenden Bitstroms zugeführt. Ein Interleaver 16 bewirkt, dass die ihm zugeführten Symbole bzw. Bits auf bestimmte Art und Weise angeordnet und zeitlich gespreizt werden. Die von dem Interleaver 16 ausgegebenen Datenblöcke werden von einem Funktionsblock 17 den einzelnen Sende- bzw. Funkrahmen zugeordnet (sog. „Radio Frame Segmentation").

Auf der Datenseite ist ebenso ein Funktionsblock 4 zum Hinzufügen von CRC-Bits vorgesehen. Ein Funktionsblock 5 dient zur Aufspaltung der einem Kanalcodierer 6 zugeführten Daten derart, dass von dem Kanalcodierer 6 stets eine auf eine bestimmte Bitanzahl beschränkte Codierung durchgeführt werden kann.

Durch die von dem Kanalcodierer 6 durchgeführte Kanalcodierung wird den eigentlich zu sendenden Daten redundante Infor-

mation hinzugefügt. Das hat zur Folge, dass mehrere nacheinander gesendete Datenpakete Bits mit gleichem Informationsursprung aufweisen. Bei dem Hybrid-ARQ-Verfahren (gemäß dem sogenannten Typ II und III) wird bei einem fehlerhaften Empfang bzw. einer fehlerhaften Decodierung eines Datenpakets durch den Empfänger nicht dasselbe Datenpaket noch einmal von dem Sender an den Empfänger gesendet, sondern der Sender überträgt ein Datenpaket, welches zumindest teilweise Bits mit dem gleichem Informationsursprung wie die in dem ursprünglich übertragenen Datenpaket enthaltenen Bits aufweist. Der Empfänger kann durch gemeinsame Auswertung aller Datenpakte, welche Bits mit demselben Informationsursprung aufweisen, die ursprünglich gesendeten Informationen mit besserer Qualität wiedergewinnen.

Zur Durchführung des zuvor beschriebenen Hybrid-ARQ-Verfahrens ist es erforderlich, dass bei Vorliegen einer entsprechenden Anforderung des Empfängers aus dem gleichen Informationsursprung die Datenübertragungssignale mit „inkrementeller Redundanz", welche in das ursprünglich gesendete Datenpaket und die entsprechenden Wiederholungsdatenpakete eingehen, generiert werden (sogenannte „Redundancy Selection"). Zu diesem Zweck ist nach dem Kanalcodierer 6 ein entsprechender Funktionsblock 7 vorgesehen, welcher von dem Funktionsblock 3 als Kontrollinstanz gesteuert wird und nach der Kanalcodierung eine entsprechende Bitselektion durchführt. Auf diese Weise werden von dem Funktionsblock 7 in Abhängigkeit von der Ansteuerung durch den Funktionsblock 3 die im ersten Paket sowie in Wiederholungsdatenpaketen zu sendenden Bits selektiert.

Die von dem Funktionsblock 7 ausgegebenen Daten werden einem Funktionsblock 8 zugeführt, welcher durch Ausblenden bzw. Weglassen einzelner Bits (sog. Punktierung) oder Wiederholen einzelner Bits (sog. Repetierung) die Bitrate des Datenstroms einstellt. Von einem anschließenden Funktionsblock 9 können dem Datenstrom sogenannte DTX-Bits („Discontinuous Transmis-

sion") hinzugefügt werden. Des weiteren sind auch auf der Datenseite Funktionsblöcke 10 und 11 vorgesehen, welche dieselbe Funktionen wie die auf der Headerseite vorgesehenen Funktionsblöcke 16 und 17 wahrnehmen.

Abschließend werden die auf der Daten- und Headerseite ausgegebenen Bits von einem Funktionsblock 18 auf den jeweils vorhandenen physikalischen Übertragungs- bzw. Sendekanal abgebildet bzw. gemultiplext (sog. „Multiplexing").

Für ein möglichst leistungsfähiges Hybrid- oder „Incremental Redundancy"-ARQ-Verfahren ist die FEC-Codierung der unterschiedlichen Datenwiederholungspakete möglichst so zu wählen, dass diese Datenpakete typischerweise eine geringe Identität bzw. Übereinstimmung untereinander aufweisen. Dies ist insbesondere bei UMTS aufgrund der hohen Flexibilität der durchgeführten Kanalcodierung und Datenanpassung bezüglich der einzelnen Übertragungskanäle problematisch, insbesondere da die Kanalcodierung nicht ausschließlich hinsichtlich ihrer Leistungsfähigkeit optimiert werden kann. Es spielen dabei auch andere Faktoren, wie beispielsweise der Speicherbedarf und die Komplexität der ausgeführten Algorithmen, eine wesentliche Rolle, wobei dies insbesondere die auf Seiten der Mobilstation ausgeführten Algorithmen betrifft.

Allgemein besteht bei dem anhand Fig. 3 erläuterten Hybrid-ARQ-Verfahren das Problem, ein ursprünglich gesendetes Datenpaket sowie gegebenenfalls ein oder mehrere nachfolgend gesendete Wiederholungsdatenpakete zur Erzielung einer möglichst hohen Güte möglichst günstig zu codieren.

Der vorliegenden Erfindung liegt daher die Aufgabe zugrunde, ein Verfahren sowie eine entsprechend ausgestaltete Vorrichtung zur Datenübertragung gemäß einem Hybrid-ARQ-Verfahren vorzuschlagen, womit das Prinzip eines Hybrid-ARQ-Verfahrens mit erhöhter Flexibilität und besserer Ausnutzung des mögli-

chen Codierungsgewinns ohne nennenswerte Erhöhung der Komplexität sowie des Speicherbedarfs realisiert werden kann.

Diese Aufgabe wird erfindungsgemäß durch ein Verfahren mit den Merkmalen des Anspruchs 1 bzw. eine Vorrichtung mit den Merkmalen des Anspruchs 23 gelöst. Die Unteransprüche definieren jeweils bevorzugte und vorteilhafte Ausführungsformen der vorliegenden Erfindung.

Der Grundgedanke der vorliegenden Erfindung beruht darauf, die in Fig. 3 gezeigten Funktionsblöcke 7 und 8 zur Redundanzauswahl („Redundancy Selection") bzw. Ratenanpassung („Rate Matching") zusammenzufassen, so dass eine leistungsfähigere Codierung erfolgen kann. Dabei werden die Funktionsblöcke 7 und 8 der in Fig. 3 gezeigten Hybrid-ARQ-Struktur insbesondere durch eine Struktur ersetzt, welche eine Bitseparation zur Erzeugung mehrerer (unterschiedlich codierter) paralleler Bitströme mit anschließender Bitkollektion durchführt. Die unterschiedlichen Bitströme werden einer voneinander unabhängigen Ratenanpassung unterzogen. Auf diese Weise wird bei der Codierung eine höhere Flexibilität erzielt. Pro zu übertragendes Datenpaket bzw. Wiederholungsdatenpaket können die unterschiedlichen parallelen Bitströme vorzugsweise anteilig miteinander kombiniert werden. Dies ist insbesondere bei Bitrepetierung vorteilhaft einsetzbar.

Der Vorteil des erfindungsgemäß vorgeschlagenen Verfahrens bzw. der entsprechenden Vorrichtung ist eine höhere Flexibilität und bessere Ausnutzung des möglichen Codierungsgewinns, wobei zudem eine weniger auf Repetierung basierende Ratenanpassung ohne nennenswerte Erhöhung der Komplexität sowie des (insbesondere für die Durchführung des Interleaving benötigten) Speicherbedarfs erzielt werden kann.

In den Unteransprüchen sind bevorzugte Ausführungsbeispiele der vorliegenden Erfindung beschrieben, welche insbesondere die Art und Weise der erfindungsgemäß durchgeführten Bitsepa-

ration bzw. Bitkollektion sowie die Wahl der Ratenanpassung für die einzelnen unterschiedlichen Bitströme, welche aus der Bitseparation resultieren, betreffen.

Die vorliegende Erfindung wird nachfolgend näher unter Bezugnahme auf die beigefügte Zeichnung anhand bevorzugter Ausführungsbeispiele einer paketorientierten Datenübertragung in einem Mobilfunksystem erläutert, wobei die vorliegende Erfindung selbstverständlich nicht auf Mobilfunksysteme beschränkt ist, sondern allgemein in jeder Art von Kommunikationssystemen eingesetzt werden kann, in dem ein Hybrid-ARQ-Verfahren zur Datenübertragung vorgesehen ist.

Fig. 1 zeigt eine Darstellung zur Verdeutlichung der Signalverarbeitung gemäß einem insbesondere paketorientierten Hybrid-ARQ-Verfahren der vorliegenden Erfindung,

Fig. 2 zeigt eine Darstellung zur Verdeutlichung der Kommunikation in einem Mobilfunksystem, und

Fig. 3 zeigt eine Darstellung zur Verdeutlichung der Signalverarbeitung gemäß einem herkömmlichen paketorientierten Hybrid-ARQ-Verfahren.

Wie bereits zuvor erläutert worden ist, wird nachfolgend davon ausgegangen, dass mit Hilfe der vorliegenden Erfindung eine paketorientierte Datenübertragung in einem Mobilfunksystem, wie es beispielsweise schematisch in Fig. 2 gezeigt ist, realisiert werden soll. Dabei ist in Fig. 2 beispielhaft die Kommunikation zwischen einer Basisstation 1 und einer Mobilstation 2 eines Mobilfunksystems, beispielsweise eines UMTS-Mobilfunksystems, dargestellt. Die Übertragung von Informationen von der Basisstation 1 zu der Mobilstation 2 erfolgt über den sogenannten „Downlink"-Kanal DL, während die Übertragung der Informationen von der Mobilstation 2 zu der Basisstation 1 über den sogenannten „Uplink"-Kanal UL erfolgt. Die vorliegende Erfindung wird nachfolgend beispielhaft anhand

einer paketorientierten Datenübertragung von der Basisstation 1 an die Mobilstation 2, d.h. anhand einer paketorientierten Datenübertragung über den „Downlink"-Kanal, erläutert, wobei die vorliegende Erfindung jedoch analog auf eine Datenübertragung über den „Uplink"-Kanal anwendbar ist. Des weiteren wird die vorliegende Erfindung nachfolgend analog zu Fig. 3 anhand der in dem jeweiligen Sender durchzuführenden Signalverarbeitungsmaßnahmen erläutert, wobei jedoch zu beachten ist, dass in dem jeweiligen Empfänger zur Auswertung der auf diese Weise senderseitig verarbeiteten Daten eine entsprechende Signalverarbeitung in umgekehrter Reihenfolge erforderlich ist, so dass von der vorliegenden Erfindung nicht nur die Senderseite, sondern auch die Empfängerseite betroffen ist.

In Fig. 1 ist die Signalverarbeitung der in Datenpaketen zu übertragenden Daten und Headerinformationen nach einem erfindungsgemäßen Hybrid-ARQ-Verfahren dargestellt. Die vorliegende Erfindung betrifft im wesentlichen die Verarbeitung des Datenteils, so dass die in Fig. 1 dargestellten Funktionsblöcke 12 - 17, welche den Headerteil betreffen, den in Fig. 3 dargestellten Funktionsblöcken 12 - 17 entsprechen. Ebenso entsprechen die in Fig. 1 gezeigten Funktionsblöcke 3 - 6 sowie 9 - 11 und 18 den entsprechenden in Fig. 3 dargestellten Funktionsblöcken, so dass hinsichtlich der Aufgabe und Funktion dieser Funktionsblöcke auf die obigen Erläuterungen zu Fig. 3 verwiesen werden kann.

Wie aus Fig.1 ersichtlich ist, wurden die in Fig. 3 dargestellten Funktionsblöcke 7 und 8 durch einen neuen Funktionsabschnitt 19 ersetzt. Dieser Funktionsabschnitt 19 umfasst einen Funktionsblock 20, welcher in Abhängigkeit von einer Ansteuerung durch den Funktionsblock 3 die von dem vorgeschalteten Kanalcodierer 6 ausgegebenen codierten Bits auf mindestens zwei parallele Bitströme aufteilt, welche jeweils separat, d.h. unabhängig voneinander, einer Ratenanpassung unterzogen werden. In Fig. 1 sind diesbezüglich drei Bitströ-

me dargestellt, wobei für jeden Bitstrom ein Funktionsblock 21 - 23 zur Durchführung einer Ratenanpassung, d.h. zur Punktierung oder Repetierung einzelner Bits, vorgesehen ist. Auf diese Weise entstehen mehrere unterschiedlich codierte parallele Bitströme, welche einem weiteren Funktionsblock 24 zugeführt werden. Dieser weitere Funktionsblock 24 hat die Aufgabe, die einzelnen Bits der parallelen Bitströme in derselben Reihenfolge, welche von dem Funktionsblock 20 für die Bitseparation, d.h. für die Aufteilung auf die einzelnen parallelen Bitströme, verwendet worden ist, aufzusammeln. Auf diese Weise wird sichergestellt, dass sich insgesamt die Reihenfolge der nach der Ratenanpassung übrig gebliebenen Bits nicht verändert.

Wird pro Datenpaket exklusiv einer dieser mehreren parallelen Bitströme selektiert, so ist die Signalverarbeitung gemäß Fig. 1 in die Signalverarbeitung gemäß Fig. 3 überführbar. Es ist jedoch ersichtlich, dass mit Hilfe der in Fig. 1 dargestellten Signalverarbeitung eine erhöhte Flexibilität bei der Codierung erzielt werden kann. Insbesondere können pro Datenpaket die unterschiedlichen parallelen Bitströme anteilig miteinander kombiniert werden, wobei dies besonders vorteilhaft bei Bitrepetierung einsetzbar ist. So kann beispielsweise anstelle der Anwendung einer reinen Wiederholungscodierung auf einen einzigen Bitstrom, wie es bei der in Fig. 3 dargestellten Wiederholungscodierung der Fall wäre, bei der in Fig. 1 gezeigten Signalverarbeitung der Bitstrom A unverändert, d.h. ohne Durchführung einer Ratenanpassung, übertragen werden, wobei zugleich der in Fig. 1 gezeigte Bitstrom B mit entsprechender Ratenanpassung zum Auffüllen des verbleibenden Sendesignals verwendet werden kann. Insbesondere kann die Aufteilung der Bits des kanalcodierten Bitstroms auf die einzelnen Bitströme A-C derart gewählt werden, dass für ein Daten- bzw. Wiederholungsdatenpaket Nr. N nur Bits der Bitströme 1 bis N verwendet werden. Dies ist nach dem in Fig. 3 gezeigten Stand der Technik nicht möglich und wird erst durch das erfindungsgemäß vorgeschlagene Prinzip, wie es beispiel-

haft in Fig. 1 gezeigt ist, realisierbar. Diese Ausführungsvariante hat den Vorteil, dass im Empfänger zum Empfang des Wiederholungsdatenpaketes Nr. N nur Speicher für N Bitblöcke reserviert werden muss, da a priori bekannt ist, dass die Empfangsdaten nur aus diesen N Bitblöcken stammen. Etwas allgemeiner kann auch ein Schema entworfen werden, bei dem die Anzahl der für die Wiederholungsdatenpakete 1 bis N verwendeten Bitblöcke monoton oder sogar streng monoton mit N zunimmt.

Nachfolgend sollen bevorzugte Ausführungsbeispiele für die von den Funktionsblöcken 20 bzw. 24 durchgeführte Bitseparation bzw. Bitkollektion sowie für die von den Funktionsblöcken 21 - 23 durchgeführte Ratenanpassung erläutert werden.

Hinsichtlich der Wahl der parallelen Ratenanpassungsmuster, welche von den Funktionsblöcken 21 und 22 sowie gegebenenfalls 23 realisiert werden, kann vorgesehen sein, diese derart zu wählen, dass von dem gesamten Funktionsabschnitt 19 eine Funktion ausgeführt wird, welche äquivalent zu der von den in Fig. 3 gezeigten Funktionsblöcken 7 und 8 ausgeübten Funktion gemäß dem derzeitigen Stand der Spezifikation ist.

Ebenso können die Datenpakete bei Repetierung mit Daten aus mehr als zwei parallelen Bitströmen A - C derart aufgefüllt werden, dass die Bits eines Bitstroms bzw. Zweigs zu 100%, d.h. unverändert, übertragen werden, während die Bits der anderen Bitströme bzw. Zweige die restlichen Daten ausfüllen. Gemäß einem weiteren Ausführungsbeispiel können die Ratenanpassungsmuster auch derart gewählt sein, dass die Datenpakete bei Repetierung mit Daten aus genau zwei parallelen Bitströmen aufgefüllt werden, wobei der eine Bitstrom zu 100%, d.h. unverändert, übertragen wird, während der andere Bitstrom die restlichen Daten auffüllt.

Die Funktionsweise der Funktionsblöcke 20 und 24 kann derart gewählt sein, dass ein zu sendendes Originaldatenpaket stets

Daten des Bitstroms A oder - falls die Daten des Bitstroms A bereits zu 100% übertragen werden - Daten der Bitströme A und B enthält. Für das erste Wiederholungsdatenpaket werden dann bevorzugt Daten des Bitstroms B oder - falls die Daten des Bitstroms B bereits zu 100% übertragen werden - Daten des Bitstroms B und A verwendet. Für das zweite Wiederholungsdatenpaket ist es besonders vorteilhaft, Daten des Bitstroms C oder - falls die Daten des Bitstroms C bereits zu 100% übertragen werden - Daten der Bitströme C und B zu verwenden.

Allgemein ist es das Ziel, durch Kombinationen den Speicher in der Mobilstation 2 möglichst effizient zu nutzen und damit Daten in den Datenpaketen hinsichtlich ihres Ursprungs möglichst nicht zu stark zu streuen. Darüber hinaus soll ein möglichst hoher Gewinn bei der Codierung ausgenutzt werden können.

Nachfolgend wird eine optimale Wahl bezüglich des Speicherbedarfs der Mobilstation 2 erläutert, wobei das nachfolgend beschriebene Ausführungsbeispiel einen Kompromiss zwischen dem Speicherbedarf und der zu erwartenden Leistungsfähigkeit darstellt. Gemäß diesem Ausführungsbeispiel werden zu wiederholende bzw. zu repetierende Bits nur aus solchen Zweigen bzw. Bitströmen ausgewählt, deren Daten auch nach dem Stand der Technik gemäß Fig. 3 bereits übertragen werden, wodurch ein erhöhter Speicherbedarf, insbesondere im Empfänger, vermieden wird. Das Originaldatenpaket enthält gemäß diesem Ausführungsbeispiel ausschließlich Daten des Bitstroms A. Das erste Wiederholungsdatenpaket enthält Daten des Bitstroms B oder - falls die Daten des Bitstroms B bereits zu 100% übertragen werden - Daten der Bitströme B und A. Insoweit stimmt dieses Ausführungsbeispiel mit dem zuvor beschriebenen Ausführungsbeispiel überein. Im Gegensatz zu dem zuvor beschriebenen Ausführungsbeispiel enthält jedoch das zweite Wiederholungsdatenpaket Daten des Bitstroms C oder - falls die Daten des Bitstroms C bereits zu 100% übertragen werden - Daten des Bitstroms C sowie des Bitstroms B und/oder des Bitstroms A.

Allgemein ist es günstig, wenn nach genau einer angeforderten Wiederholung in etwa gleich viele Bits der Bitströme A und B übertragen werden. Nach genau zwei angeforderten Wiederholungen sollten in etwa gleich viele Bits der Bitströme A, B und C übertragen werden.

Selbstverständlich lassen sich alle im Rahmen der vorliegenden Patentanmeldung beschriebenen Ausführungsbeispiele allgemein auch auf mehr als zwei Wiederholungen anwenden.

Gemäß einer weiteren Variante der vorliegenden Erfindung kann nach der Codierung durch den Kanalcodierer 6 von denjenigen Zweigen bzw. Bitströmen A-C, die nicht primär zur Übertragung anstehen, ein großer Teil der Daten punktiert werden, da durch die nachfolgende Ratenanpassung ohnehin von diesen Bitströmen nur ein kleiner Anteil (typischerweise z. B. 10%) der zu übertragenden Bits ausgewählt wird. Es ist daher unschädlich, wenn sofort 90% der Bits dieser Zweige bzw. Bitströme gelöscht wird. Durch diese Maßnahme wird bei den zwischengeschalteten Funktionsblöcken entsprechend weniger Speicherplatz benötigt, so dass diese Variante primär auf eine weitere Verringerung des Speicherbedarfs abzielt.

Zur zuletzt genannten Variante ist die nachfolgend beschriebene Variante äquivalent. Anstelle der Auswahl eines bestimmten Bitstroms (z.B. des Bitstroms B) mit anschließender Punktierung zu 90% können auch statt dieses Bitstroms zwei Bitströme eingeführt werden (z.B. Bitstrom B' und Bitstrom B"), wobei der eine Bitstrom (B') 10% der Bits des ursprünglichen Bitstroms (B) enthält.

Patentansprüche

1. Verfahren zur Datenübertragung gemäß einem Hybrid-ARQ-Verfahren,
wobei von einem Sender (1) Daten in Form von Datenpaketen an einen Empfänger (2) übertragen werden,
umfassend die Schritte:
(a) von dem Sender (1) wird nach dem Senden eines Datenpakets bei Vorliegen einer entsprechenden Aufforderung des Empfängers (2) mindestens ein Wiederholungsdatenpaket an den Empfänger (2) übertragen, wobei das Wiederholungsdatenpaket und das ursprünglich gesendete Datenpaket Bits mit gleichem Informationsursprung aufweisen,
(b) Zur Auswahl der in dem Wiederholungsdatenpaket zu übertragenden Bits wird eine Bitselektion bezüglich eines kanalcodierten Bitstroms durchgeführt, und
(c) die in dem Datenpaket bzw. dem Wiederholungsdatenpaket zu übertragenden Bits werden einer Bitratenanpassung unterzogen,
d a d u r c h g e k e n n z e i c h n e t,
dass die Schritte (b) und (c) gemeinsam dadurch durchgeführt werden, dass die Bits des kanalcodierten Bitstroms in mindestens einen ersten Bitstrom (A) und einen zweiten Bitstrom (B, C) aufgeteilt und die einzelnen Bitströme (A-C) jeweils einer separaten Bitratenanpassung unterzogen werden.

2. Verfahren nach Anspruch 1,
d a d u r c h g e k e n n z e i c h n e t,
dass die Bits der einzelnen Bitströme (A-C) nach Durchführung der jeweils entsprechenden Bitratenanpassung für das Datenpaket bzw. Wiederholungsdatenpaket miteinander kombiniert werden.

3. Verfahren nach Anspruch 1 oder 2,
d a d u r c h g e k e n n z e i c h n e t,
dass die auf den ersten Bitstrom (A) und den zweiten Bitstrom (B, C) angewendete Ratenanpassung derart gewählt wird, dass

für ein Datenpaket bzw. Wiederholungsdatenpaket die Bits des ersten Bitstroms (A) unverändert und die Bits des zweiten Bitstroms (B, C) zur Auffüllung des Datenpakets bzw. Wiederholungsdatenpakets verwendet werden.

4. Verfahren nach Anspruch 1 oder 2,
d a d u r c h g e k e n n z e i c h n e t,
dass die auf die einzelnen Bitströme (A-C) angewendete Bitratenanpassung derart gewählt wird, dass für das Datenpaket bzw. Wiederholungsdatenpaket die Bits des ersten Bitstroms (A) unverändert und die Bits des ersten und zweiten Bitstroms (B, C) zur Auffüllung des Datenpakets bzw. Wiederholungsdatenpakets verwendet werden.

5. Verfahren nach einem der vorhergehenden Ansprüche,
d a d u r c h g e k e n n z e i c h n e t,
dass die Aufteilung der Bits des kanalcodierten Bitstroms derart gewählt wird, dass das ursprünglich gesendete Datenpaket Bits aus dem ersten Bitstrom (A) enthält.

6. Verfahren nach einem der vorhergehenden Ansprüche,
d a d u r c h g e k e n n z e i c h n e t,
dass die Aufteilung der Bits des kanalcodierten Bitstroms derart gewählt wird, dass das ursprünglich gesendete Datenpaket Bits des ersten Bitstroms (A) und Bits des zweiten Bitstroms (B) enthält.

7. Verfahren nach einem der vorhergehenden Ansprüche,
d a d u r c h g e k e n n z e i c h n e t,
dass die Aufteilung der Bits des kanalcodierten Bitstroms derart gewählt wird, dass das Wiederholungsdatenpaket Bits des zweiten Bitstroms (B) enthält.

8. Verfahren nach einem der vorhergehenden Ansprüche,
d a d u r c h g e k e n n z e i c h n e t,
dass die Aufteilung der Bits des kanalcodierten Bitstroms derart gewählt wird, dass das Wiederholungsdatenpaket Bits

des zweiten Bitstroms (B) und Bits des ersten Bitstroms (A) enthält.

9. Verfahren nach einem der vorhergehenden Ansprüche,
d a d u r c h g e k e n n z e i c h n e t,
dass die Bits des kanalcodierten Bitstroms mindestens in einen ersten Bitstrom (A), einen zweiten Bitstrom (B) und einen dritten Bitstrom (C) aufgeteilt und die einzelnen Bitströme (A-C) jeweils einer separaten Bitratenanpassung unterzogen werden, und
dass die Aufteilung der Bits des kanalcodierten Bitstroms derart gewählt wird, dass ein nach dem ursprünglich gesendeten Datenpaket und dem Wiederholungsdatenpaket gesendetes weiteres Wiederholungsdatenpaket, welches Bits mit dem gleichen Informationsursprung wie das ursprünglich gesendete Datenpaket und das Wiederholungsdatenpaket aufweist, Bits des dritten Bitstroms (C) enthält.

10. Verfahren nach einem der vorhergehenden Ansprüche,
d a d u r c h g e k e n n z e i c h n e t,
dass die Bits des kanalcodierten Bitstroms mindestens in einen ersten Bitstrom (A), einen zweiten Bitstrom (B) und einen dritten Bitstrom (C) aufgeteilt und die einzelnen Bitströme (A-C) jeweils einer separaten Bitratenanpassung unterzogen werden, und
dass die Aufteilung der Bits des kanalcodierten Bitstroms derart gewählt wird, dass ein nach dem ursprünglich gesendeten Datenpaket und dem Wiederholungsdatenpaket gesendetes weiteres Wiederholungsdatenpaket, welches Bits mit gleichem Informationsursprung wie das ursprünglich gesendete Datenpaket und das Wiederholungsdatenpaket aufweist, Bits des dritten Bitstroms (C) und Bits des zweiten Bitstroms (B) enthält.

11. Verfahren nach Anspruch 1 oder 2,
d a d u r c h g e k e n n z e i c h n e t,

dass die Aufteilung der Bits des kanalcodierten Bitstroms derart gewählt wird, dass das ursprünglich gesendete Datenpaket ausschließlich Bits des ersten Bitstroms (A) enthält.

12. Verfahren nach Anspruch 11 und Anspruch 7 oder 8,
d a d u r c h g e k e n n z e i c h n e t,
dass die Bits des kanalcodierten Bitstroms mindestens in einen ersten Bitstrom (A), einen zweiten Bitstrom (B) und einen dritten Bitstrom (C) aufgeteilt und die einzelnen Bitströme jeweils einer separaten Bitratenanpassung unterzogen werden, und
dass die Aufteilung der Bits des kanalcodierten Bitstroms derart gewählt wird, dass ein nach dem ursprünglich gesendeten Datenpaket und dem Wiederholungsdatenpaket gesendetes weiteres Wiederholungsdatenpaket, welches Bits mit dem gleichen Informationsursprung wie das ursprünglich gesendete Datenpaket und das Wiederholungsdatenpaket aufweist, Bits des dritten Bitstroms (C) enthält.

13. Verfahren nach Anspruch 12 und Anspruch 7 oder 8,
d a d u r c h g e k e n n z e i c h n e t,
dass die Bits des kanalcodierten Bitstroms mindestens in einen ersten Bitstrom (A), einen zweiten Bitstrom (B) und einen dritten Bitstrom (C) aufgeteilt und die einzelnen Bitströme (A-C) jeweils einer separaten Bitratenanpassung unterzogen werden, und
dass ein nach dem ursprünglich gesendeten Datenpaket und dem Wiederholungsdatenpaket gesendetes weiteres Wiederholungsdatenpaket, welches Bits mit dem gleichen Informationsursprung wie das ursprünglich gesendete Datenpaket und das Wiederholungsdatenpaket aufweist, Bits des dritten Bitstroms (C) und Bits des ersten Bitstroms (A) und/oder des zweiten Bitstroms (B) enthält.

14. Verfahren nach einem der vorhergehenden Ansprüche,
d a d u r c h g e k e n n z e i c h n e t,

dass die Aufteilung der Bits des kanalcodierten Bitstroms auf die einzelnen Bitströme (A-C), die auf die einzelnen Bitströme (A-C) angewendete Bitratenanpassung und die anschließende Kombination der einzelnen Bitströme (A-C) derart gewählt wird, dass nach der Übertragung des Datenpakets und des Wiederholungsdatenpakets zumindest annähernd gleich viele Bits des ersten Bitstroms (A) und des zweiten Bitstroms (B) übertragen worden sind.

15. Verfahren nach einem der vorhergehenden Ansprüche, d a d u r c h g e k e n n z e i c h n e t, dass die Bits des kanalcodierten Bitstroms mindestens in einen ersten Bitstrom (A), einen zweiten Bitstrom (B) und einen dritten Bitstrom (C) aufgeteilt und die einzelnen Bitströme (A-C) jeweils einer separaten Bitratenanpassung unterzogen werden, und
dass die Aufteilung der Bits des kanalcodierten Bitstroms auf die einzelnen Bitströme (A-C), die auf die einzelnen Bitströme (A-C) angewendete Bitratenanpassung derart gewählt wird, dass nach der Übertragung des ursprünglich gesendeten Datenpakets, des Wiederholungsdatenpakets sowie eines weiteren Wiederholungsdatenpakets, welches Bits mit dem gleichen Informationsursprung wie das ursprünglich gesendete Datenpaket und das Wiederholungsdatenpaket aufweist, zumindest annähernd gleich viele Bits des ersten Bitstroms (A), des zweiten Bitstroms (B) und des dritten Bitstroms (C) übertragen worden sind.

16. Verfahren nach einem der vorhergehenden Ansprüche, d a d u r c h g e k e n n z e i c h n e t, dass Bits desjenigen Bitstroms (A-C), dessen Bits augenblicklich im Verhältnis zu dem anderen Bitstrom oder den anderen Bitströmen nicht primär für eine Übertragung in dem augenblicklich gesendeten Datenpaket bzw. Wiederholungsdatenpaket vorgesehen sind, vor Anwendung der entsprechenden Bitratenanpassung auf diesem Bitstrom (A-C) teilweise aus diesem Bitstrom (A-C) entfernt werden.

17. Verfahren nach Anspruch 16,
d a d u r c h g e k e n n z e i c h n e t,
dass etwa 90% der Bits desjenigen Bitstroms (A-C), welcher augenblicklich im Verhältnis zum anderen Bitstrom bzw. den anderen Bitströmen nicht primär für eine Übertragung in einem augenblicklich zu sendenden Datenpaket bzw. Wiederholungsdatenpaket vorgesehen ist, vor Anwendung der entsprechenden Bitratenanpassung auf diesen Bitstrom (A-C) aus dem Bitstrom (A-C) gelöscht werden.

18. Verfahren nach einem der vorhergehenden Ansprüche,
d a d u r c h g e k e n n z e i c h n e t,
dass das Verfahren in einem Mobilfunksystem durchgeführt wird.

19. Verfahren nach einem der vorhergehenden Ansprüche,
d a d u r c h g e k e n n z e i c h n e t,
dass einzelne codierte Bits durch die entsprechende Bitratenanpassung nur dann repetiert werden, wenn alle Bits des kanalcodierten Bitstroms ausgewählt werden.

20. Verfahren nach einem der vorhergehenden Ansprüche,
d a d u r c h g e k e n n z e i c h n e t,
dass die Bits der einzelnen Bitströme (A-C) nach Durchführung der jeweils entsprechenden Bitratenanpassung für das Datenpaket bzw. Wiederholungsdatenpaket entsprechend derjenigen Reihenfolge, mit der die Bits des kanalcodierten Bitstroms auf die einzelnen Bitströme (A-C) aufgeteilt worden sind, wieder miteinander kombiniert werden.

21. Verfahren nach einem der vorhergehenden Ansprüche,
d a d u r c h g e k e n n z e i c h n e t,
dass die Aufteilung der Bits des kanalcodierten Bitstroms auf die einzelnen Bitströme (A-C) derart gewählt wird, dass die Anzahl der für Wiederholungsdatenpakete Nr. 1 bis N verwendeten Bitblöcke mit N zunimmt.

22. Verfahren nach Anspruch 21,
d a d u r c h g e k e n n z e i c h n e t,
dass die Aufteilung der Bits des kanalcodierten Bitstroms auf die einzelnen Bitströme (A-C) derart gewählt wird, dass für ein Wiederholungsdatenpaket Nr. N nur Bits der Bitströme Nr. 1 bis N verwendet werden.

23. Vorrichtung zur Datenübertragung gemäß einem Hybrid-ARQ-Verfahren,
wobei von der Vorrichtung (1) Daten in Form von Datenpaketen an einen Empfänger (2) übertragen werden,
wobei die Vorrichtung (1) derart ausgestaltet ist, dass nach dem Senden eines Datenpakets bei Vorliegen einer entsprechenden Aufforderung des Empfängers (2) mindestens ein Wiederholungsdatenpaket an den Empfänger (2) übertragen wird, wobei das Wiederholungsdatenpaket und das ursprünglich gesendete Datenpaket Bits mit gleichem Informationsursprung aufweisen,
wobei die Vorrichtung (1) derart ausgestaltet ist, dass zur Auswahl der in dem Wiederholungsdatenpaket zu übertragenden Bits eine Bitselektion bezüglich eines kanalcodierten Bitstroms durchgeführt wird, und
wobei die Vorrichtung (1) derart ausgestaltet ist, dass die in dem Datenpaket bzw. dem Wiederholungsdatenpaket zu übertragenden Bits einer Bitratenanpassung unterzogen werden,
d a d u r c h g e k e n n z e i c h n e t,
dass die Vorrichtung (1) eine Bitseparationseinrichtung (20) zur Aufteilung der Bits des kanalcodierten Bitstroms auf mindestens einen ersten Bitstrom (A) und einen zweiten Bitstrom (B) umfasst,
dass die Vorrichtung (1) den einzelnen Bitströmen (A-C) zugeordnete Bitratenanpassungseinrichtungen (21 - 23) umfasst, um die einzelnen Bitströme (A-C) jeweils einer separaten Bitratenanpassung zu unterziehen, und
dass die Vorrichtung (1) eine Bitsammeleinrichtung (24) zum Kombinieren der von den einzelnen Bitratenanpassungseinrich-

tungen (21 - 23) ausgegebenen Bits der einzelnen Bitströme (A-C) miteinander umfasst.

24. Vorrichtung nach Anspruch 23,
d a d u r c h g e k e n n z e i c h n e t,
dass die Vorrichtung (1) zur Durchführung des Verfahrens nach einem der Ansprüche 1 - 22 ausgestaltet ist.

25. Empfänger (2) zum Empfang von in Form von Datenpaketen gemäß einem Hybrid-ARQ-Verfahren übertragenen Daten,
d a d u r c h g e k e n n z e i c h n e t,
dass der Empfänger (2) zum Empfang, zur Decodierung und zur Auswertung von einem gemäß dem Verfahren nach einem der Ansprüche 1 - 22 übertragenen Datenpaket bzw. Wiederholungsdatenpaket ausgestaltet ist, um den Informationsgehalt der in dem Datenpaket übertragenen Daten zu bestimmen.

Zusammenfassung

Verfahren und Vorrichtung zur
Datenübertragung gemäß einem Hybrid-ARQ-Verfahren

Um eine höhere Flexibilität bei einer Datenübertragung gemäß einem Hybrid-ARQ-Verfahren, vorzugsweise bei Anwendung in einem Mobilfunksystem, zu erzielen, ist vorgesehen, einen kanalcodierten Bitstrom auf mindestens einen ersten Bitstrom (A) und einen zweiten Bitstrom (B, C) aufzuteilen, wobei diese parallelen Bitströme (A-C) jeweils einer separaten Bitratenanpassung unterzogen und die daraus resultierenden Bits der einzelnen Bitströme (A-C) abschließend wieder miteinander kombiniert werden, um in einem Datenpaket bzw. einem empfängerseitig angeforderten Wiederholungsdatenpaket übertragen zu werden.

(Fig. 1)

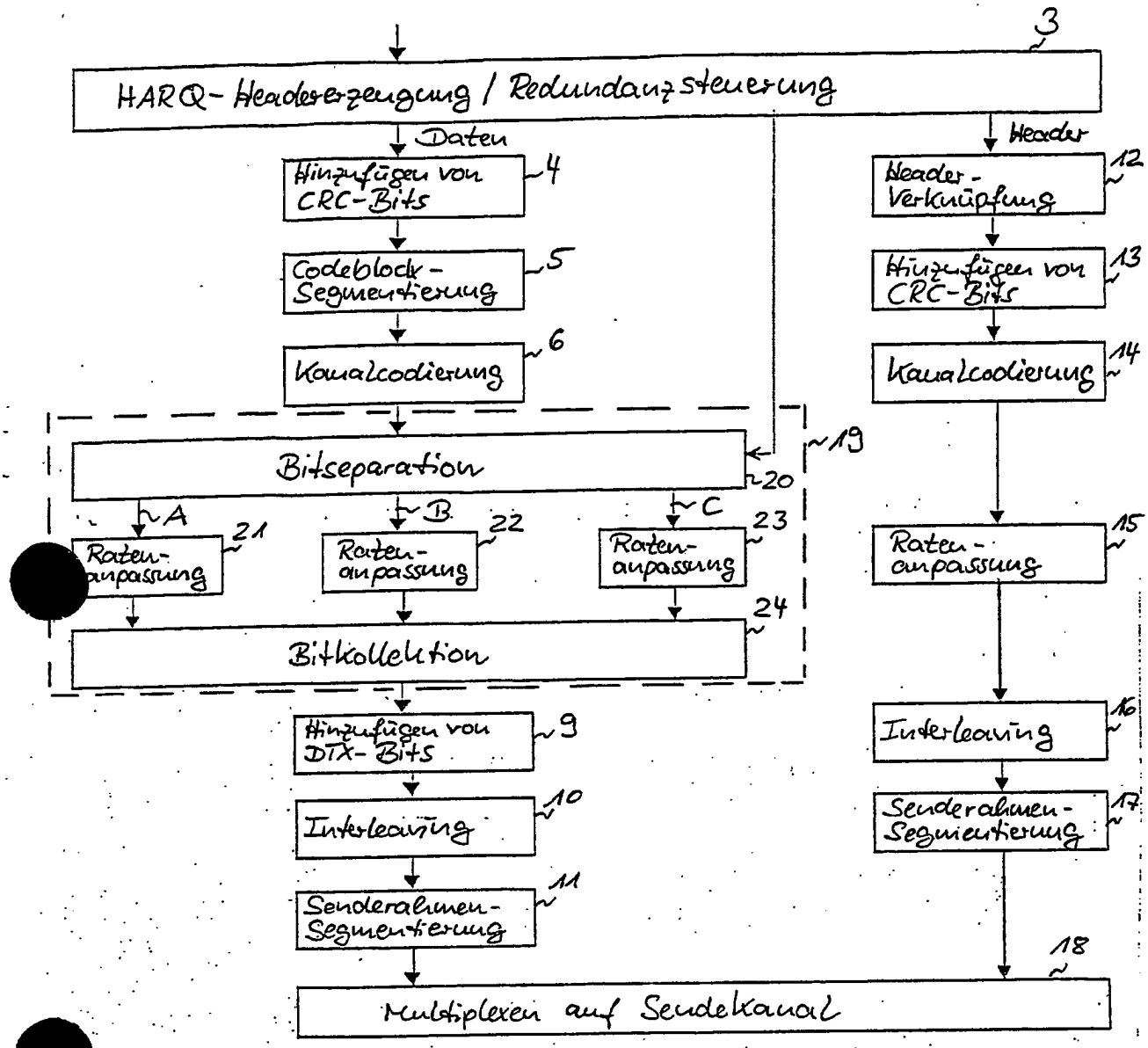
3
HARQ-Headererzeugung / Redundanzsteuerung
Daten
Header
Hinzufügen von CRC-Bits
4
Codeblock-Segmentierung
5
Kanalcodierung
6
Bitseparation
20
19
A
B
C
Raten-anpassung
21
Raten-anpassung
22
Raten-anpassung
23
24
Bitkollektion
Hinzufügen von DTX-Bits
9
Interleaving
10
Senderahmen-Segmentierung
11
Header-Verknüpfung
12
Hinzufügen von CRC-Bits
13
Kanalcodierung
14
Raten-anpassung
15
Interleaving
16
Senderahmen-Segmentierung
17
18
Multiplexen auf Sendekanal

FIG.1

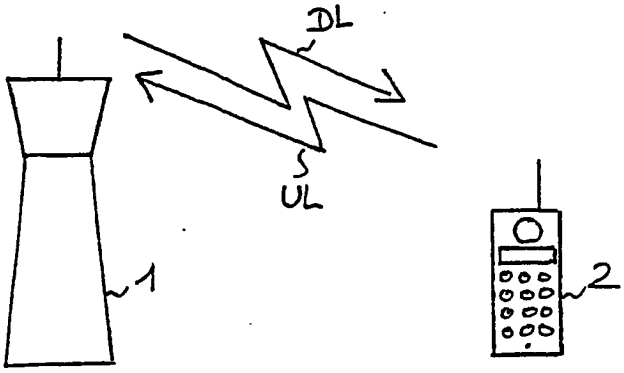

FIG.2

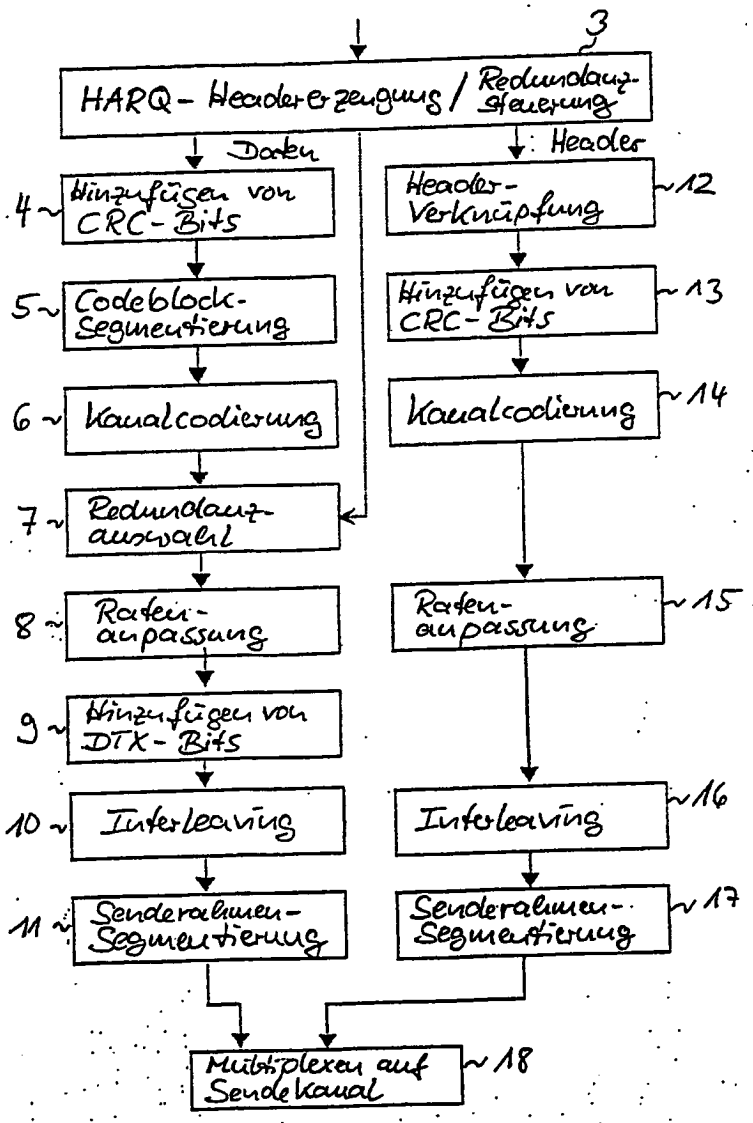

FIG.3 (STAND DER TECHNIK)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Schroegmeier et al.	:	DECISION ON PETITION
Application No. 12/039,633	:	TO WITHDRAW
Filed: February 28, 2008	:	FROM RECORD
Attorney Docket: QM000047	:	

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** because it is moot.

A review of the file record indicates that Slater & Matsil, L.L.P were revoked as power of attorney by the assignee of the patent application on July 14, 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: JOHN S. ECONOMOU
202 MAMARONECK AVE., THIRD FLOOR
WHITE PLAINS, NY 10601

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

CONSTELLATION LAW GROUP, PLLC
P.O. BOX 220
TRACYTON, WA 98393

MAILED

NOV 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Meyers et al.	:	
Application No. 12/039,715	:	ON PETITION
Filed: February 28, 2008	:	
Attorney Docket No. BEI-0001-US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 30, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 26, 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 27, 2010.

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

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

This application is being referred to Technology Center 3662 for further examination on the merits

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

OCT 18 2011

OFFICE OF PETITIONS

In re Application of	:
Brad E. Meyers	:
Application No. 12/039,715	:DECISION ON PETITION
Filed: February 28, 2008	:TO MAKE SPECIAL UNDER
Attorney Docket No. 33278.00006.US00	: 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 6, 2011, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the attorney of record, Randall C. Pyles, that joint inventor Brad E. Meyers is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

This application file is being referred to Technology Center Art Unit 3662 for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the processing of the application should be addressed to the Technology Center 3600 at (571) 272-3600.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

FEB 09 2012

OFFICE OF PETITIONS

In re Application of :
Meyers, et al. :
Application No. 12/039,715 : ON PETITION
Filed: February 28, 2008 :
Attorney Docket No. :
33278.00006.US00

This is in response to petition to revive under 37 CFR 1.137(b), filed January 12, 2012.

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

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed June 15, 2011, which set a shortened statutory period for reply of three months. Applicants filed an Amendment on December 15, 2011, made timely by purchasing a three month extension of time. However, by Advisory Action mailed January 10, 2012, the Examiner indicated that the Amendment would not be entered because it failed to place the application in condition for allowance. As such, the application became abandoned on December 16, 2011.

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

The application is being forwarded to Group Art Unit 1713 for consideration of the RCE, filed January 12, 2012.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HAMILTON IP LAW, PC
331 W. 3RD ST.
NEWVENTURES CENTER SUITE 120
DAVENPORT IA 52801

MAILED
APR 26 2011
OFFICE OF PETITIONS

In re Application of	:	
Dennis L. Miller	:	
Application No. 12/039,734	:	DECISION ON PETITION
Filed: February 28, 2008	:	
Attorney Docket No. **USPA-0295**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit corrected drawings on or before March 29, 2010, as required by the Notice of Allowability, mailed December 28, 2009. Accordingly, the date of abandonment of this application is March 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 corrected drawings, (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

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

JoAnne Burke
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : June 2, 2011

TO SPE OF : ART UNIT 2879

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/039751 Patent No.: 7936118

CofC mailroom date: 05-26-11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: should the change be accepted?

RoChaun Johnson-Hardwick

Certificates of Correction Branch

571 272-0470

Thank You For Your Assistance

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

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

Comments: _____

/NIMESHKUMAR D. PATEL/ 2879
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Patent No. : **7767003**
Ser. No. **12/039802**
Inventor(s) : **VAN NIEKERK, ERASMUS**
Issued : **08/03/2010**
Title : **REMOVAL OF CONTAMINANTS FROM A CONTAMINATED GAS OR VAPOUR STREAM**
Docket No. : **28211/41171A**

Re: Request for Certificate of Correction

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

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1. 17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

A Certificate of Correction will be issued for the remaining errors.

Omega Lewis
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703)756-1575 or (703) 756-1814

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

OL

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : July 27, 2011

TO SPE OF : ART UNIT 2877

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/039830 Patent No.: 7944550 B2

CofC mailroom date: 7-20-11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: _____

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.

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

Comments: _____

/Gregory J. Toatley Jr./ **2877**
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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Patent No. : 7944550 B2
Application No.: 12/039830
Inventor(s) : Lloyd Bumm, et al.
Issued : 05/17/2011
Attorney Docket No.: BUR920070019US1

Re: Request for Certificate of Correction

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

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1. 17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

By fax: 571-273-0025
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Tasneem Siddiqui
For Mary Diggs (Supervisor)
Decisions & Certificates of Correction Branch
(703) **756-1593** or (703) 756-1814
Date: 08/17/2011

Address: Duane P. Minley
CANTOR COLBURN LLP
20 Church Street, 22nd Floor
Hartford, Connecticut 06103

ts

UNITED STATES PATENT AND TRADEMARK OFFICE

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

IBM MICROELECTRONICS
INTELLECTUAL PROPERTY LAW
1000 RIVER STREET
972 E
ESSEX JUNCTION VT 05452

MAILED

SEP 16 2011

OFFICE OF PETITIONS

In re Patent No. 7,994,550	:	
Issue Date: May 17, 2011	:	
Application No. 12/039,830	:	ON PETITION
Filed: February 29, 2008	:	
Attorney Docket No.	:	
BUR920070019US1		

This is a decision on the petition filed September 9, 2011, which is being treated as a petition under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a certificate of correction.

The petition is **DISMISSED**.

Petitioner requests issuance of a certificate of correction in the name of "International Business Machines Corporation, Armonk, NY (US) and The Board of Regents of The University of Oklahoma, Norman, OK (US)."

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 **before issuance of the patent**, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter [emphasis added]. *See also* MPEP 1481.01.

U.S. Patent and Trademark Office assignment records disclose that an assignment from International Business Machines Corporation, Armonk, NY (US) to International Business Machines Corporation, Armonk, NY (US) and The Board of Regents of The University of Oklahoma, Norman, OK (US) was recorded on August 9, 2011, **after the date of issuance of this patent**. Accordingly, since the assignment was not submitted for recordation until after issuance of this patent, issuance of a certificate of correction would not be proper.

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 on petition should be directed to JoAnne Burke at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Duane P. Minley
Cantor Colburn LLP
20 Church Street
22nd Floor
Hartford, CT 06103

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

Decision Date : April 6, 2012

In re Application of :

Ronan Collobert

Application No : 12039965

Filed : 29-Feb-2008

Attorney Docket No : 06079 (449-15)

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed April 6, 2012 , to revive the above-identified application.

The petition is **GRANTED.**

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

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

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

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

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

Office of Petitions

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

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12039965
Filing Date	29-Feb-2008
First Named Inventor	Ronan Collobert
Art Unit	2626
Examiner Name	V HARPER
Attorney Docket Number	06079 (449-15)
Title	FAST SEMANTIC EXTRACTION USING A NEURAL NETWORK ARCHITECTURE

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

- ( ) An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- (●) An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ( ) A sole inventor
- ( ) A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ( ) A joint inventor; all of whom are signing this e-petition.
- ( ) The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Joseph Kolodka/
Name	Joseph Kolodka
Registration Number	39731

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Bereskin and Parr LLP
S.E.N.C.R.L., s.r.l.
40 King Street West
40th Floor
Toronto ON M5H 3Y2 CA CANADA

MAILED
MAR 01 2012
OFFICE OF PETITIONS

In Re application of
David Yach
Application No. 12/040,057
Filed: February 29, 2008
Attorney Docket No. 13210-783/KL

ON PETITION

This is a decision on the Petition to Expunge Information Submitted in Incorrect Application, filed December 23, 2011.

The petition is **granted**.

Petitioner requests that papers for application SN 12/981,689, filed December 23, 2011, be expunged from the record. Petitioner states that the papers were erroneously filed in the instant application.

The information in question has been determined by the undersigned to not be material to the examination of the instant application. The information was clearly intended to be filed in a different application.

All papers directed to Application SN 12/981,689, filed December 23, 2011, have been removed from the official file.

In accordance with MPEP 724.05(III), no petition is needed since the papers in question were clearly identified for a different application.

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

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Bereskin and Parr LLP
S.E.N.C.R.L., s.r.l.
40 King Street West
40th Floor
Toronto ON M5H 3Y2 CA CANADA

MAILED
APR 10 2012
OFFICE OF PETITIONS

In Re application of
David Yach
Application No. 12/040,057
Filed: February 29, 2008
Attorney Docket No. 13210-783/KL

ON PETITION

This is a decision on the renewed Petition to Expunge Information Submitted in Incorrect Application, filed March 28, 2012.

The petition is **granted**.

In the petition filed December 23, 2011, petitioner requested that papers for application SN 12/981,689, filed December 23, 2011, be expunged from the record. This petition was granted in a decision mailed March 1, 2012. This renewed petition requests that the Terminal Disclaimer review decision, mailed January 31, 2012 be removed from the file as it is directed to a terminal disclaimer that was one of the papers removed from this file. This paper has been removed from the instant application file.

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

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
SEP 26 2011
OFFICE OF PETITIONS

In re Patent No. 7,925,743	:	
Issue Date: April 12, 2011	:	
Application No. 12/040,087	:	ON PETITION
Filed: February 29, 2008	:	
Attorney Docket No. 080851-0112	:	

This is a decision on the request filed September 9, 2011, will be treated as a petition under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

A petition under 37 CFR 3.81(b) requires a fee of $130. This fee will be charged to petitioner's deposit account.

Telephone inquiries concerning this decision may be directed to the Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DINSMORE & SHOHL, LLP
FIFTH THIRD CENTER
ONE SOUTH MAIN STREET
SUITE 1300
DAYTON OH 45402

MAILED
OCT 08 2010
OFFICE OF PETITIONS

In re Application of	:	
Amann-Zalan et al.	:	
Application No. 12/040,089	:	CORRECTED DECISION ON PETITION
Filed: February 29, 2008	:	
Attorney Docket No. 23936 US	:	

This is a corrected decision on the petition under the unintentional provisions of 37 CFR 1.137(b) filed June 11, 2010, to revive the above-identified application, as requested on September 14, 2010.

The petition decision mailed July 7, 2010 erroneously listed a filing date of December 29, 2008 instead of the correct filing date of February 29, 2008. Additionally, it is currently noted that petitioner may not have known entire delay was unintentional.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed August 20, 2008 and the Notice of Incomplete Reply (Nonprovisional) mailed December 18, 2008. The original Notice set a period for reply of two (2) months from the mail date of the Notice. A two-month extension of time under the provisions of 37 CFR 1.136(a) was timely obtained. Accordingly, the application became abandoned on December 21, 2008. A Notice of Abandonment was mailed April 24, 2009.

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

Additionally, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37

CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

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

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

Decision Date : June 10,2011

In re Application of :

James CHRISTOPHER

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12040119

Filed : 29-Feb-2008

Attorney Docket No : NPS-PT023.6

This is an electronic 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 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 3641 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	12040119
Filing Date	29-Feb-2008
First Named Inventor	James CHRISTOPHER
Art Unit	3641
Examiner Name	TROY CHAMBERS
Attorney Docket Number	NPS-PT023.6
Title	PAINTBALL LOADER

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

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

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

Petition Fee

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

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

☐ Applicant(s) status remains as SMALL ENTITY.

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

Reason for withdrawal from issue

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

Signature	/Michael F. Snyder/
Name	Michael F. Snyder
Registration Number	58347

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SQUARE, SANDERS & DEMPSEY L.L.P
1 MARITIME PLAZA, SUITE 300
SAN FRANCISCO, CA 94111

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Ramin Shahidi	:	
Application No. 12/040,129	:	DECISION ON PETITION
Filed: February 29, 2008	:	TO WITHDRAW
Attorney Docket No. **063519.00010**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 5, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that Cameron K. Kerriganor any attorneys/agents associated with Customer Number 44955 does not have 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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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ACUSHNET COMPANY
333 BRIDGE STREET
P.O. BOX 965
FAIRHAVEN MA 02719

MAILED
JAN 21 2011
OFFICE OF PETITIONS

In re Application of	:	
Michael J. SULLIVAN	:	
Application No. 12/040,147	:	ON PETITION
Filed: February 29, 2008	:	
Attorney Docket No. B08-02	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 20, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of May 5, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). A three (3) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is November 6, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 3711 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : June 28,2011

In re Application of :

Moriyoshi Inaba

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12040174

Filed : 29-Feb-2008

Attorney Docket No : 03588.020000.

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed June 28,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

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

This application file is being referred to Technology Center AU 2861 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	12040174
Filing Date	29-Feb-2008
First Named Inventor	Moriyoshi Inaba
Art Unit	2861
Examiner Name	LAMSON NGUYEN
Attorney Docket Number	03588.020000.
Title	INK JET PRINTING METHOD AND INK JET PRINTING 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	/Seth E. Boeshore/
Name	Seth E. Boeshore
Registration Number	63049

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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ST. JUDE MEDICAL NEUROMODULATION DIVISION
6901 PRESTON ROAD
PLANO, TX 75024

MAILED
DEC 09 2011
OFFICE OF PETITIONS

In re Application of :
Roger J. Hill, et al. :
Application No. 12/040,187 :
Filed: February 29, 2008 :
Attorney Docket No.: 06-024 US :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 11, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed March 8, 2011. On November 11, 2011, the present petition was filed. A Notice of Abandonment was subsequently mailed on November 15, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $930, and the submission required by 37 CFR 1.114; (2) the petition fee of $1,860, and (3) an adequate statement of unintentional delay.

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Since, no extension of time fees are due on a petition for revival, the $1,270 extension fees included with this petition will be credited to counsel's deposit account.

This application is being referred to Technology Center AU 3767 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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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	:	
Human Park et al	:	
Application No. 12/040,227	:	DECISION ON PETITION
Filed: February 29, 2008	:	TO WITHDRAW
Attorney Docket No. QIM 2006 P 52727 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
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
12/040,227	02/29/2008	Human Park	QIM 2006 P 52727 US

CONFIRMATION NO. 8992

POWER OF ATTORNEY NOTICE

68038
SLATER & MATSIL, L.L.P.
17950 PRESTON ROAD
SUITE 1000
DALLAS, TX 75252

OC000000046651595

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/040,227	02/29/2008	Human Park	QIM 2006 P 52727 US

CONFIRMATION NO. 8992

POA ACCEPTANCE LETTER

Qimonda AG
Gustav - Heinemann - Ring 212
Munich, 81739
GERMANY

OC000000046651701

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

DATE : February 3, 2012

TO SPE OF : ART UNIT 3673

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/040311 , Patent No.: 8099810

Co f C mailroom date: 3-28-12

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

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: _____

_____

_____

_____

_____

4/9/12 3673

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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FEB 10 2011

OFFICE OF PETITIONS

In re Patent No. 7,780,395
Issue Date: August 24, 2010
Application No. 12/040,326
Filed: February 29, 2008
Attorney Docket No. 23697-024001/NF-3304

DECISION ON PETITION

This is a decision on the Transmittal Of Request For Certificate Of Correction, filed October 21, 2010, which is being treated as a Petition Under 37 CFR §3.81(b) to accept the omission of a second assignee's name. A completed Certificate of Correction Form (Substitute PTO/SB/44) was submitted with the petition.

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

Petitioner requests that the present Petition was submitted to accept the omission of a second assignee's name on the previously submitted PTOL-85B and such error was a made by applicant. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to add the omitted second assignee's name to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The requisite $100.00 fee (Fee Code 1811) as set forth under 37 CFR 1.20(a), has been submitted. However, the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), was accompanied deposit account authorization to charge any required fees. As such, the fee is being charged as authorized. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form (Substitute PTO/SB/44) submitted with the petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,780,395.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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17950 PRESTON ROAD, SUITE 1000
DALLAS, TX 75252

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AUG 05 2010
OFFICE OF PETITIONS

In re Application of	:	
Mueller et al.	:	DECISION ON PETITION
Application No. 12/040,356	:	TO WITHDRAW
Filed: February 29, 2008	:	FROM RECORD
Attorney Docket No. QM000026	:	

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 22, 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

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK, NY 10112-4498

MAILED
JUN 08 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
VON GUTFELD et al	:	
Application No.: 12/040,378	:	DECISION ON PETITION
Filing Date: February 29, 2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 070050.3169	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 14, 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 amendment filed concurrently with the instant petition.

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.

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 1723 for appropriate action on the amendment filed February 14, 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.

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.
12/040,388	02/29/2008	Hubert VERDIER	322995US41X	9306

7590 03/22/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
SUTHERLAND, STEVEN

ART UNIT	PAPER NUMBER
3741	

NOTIFICATION DATE	DELIVERY MODE
03/22/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Jaimes

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
ATTN: IP DOCKETING
P.O. BOX 7037
ATLANTA GA 30357-0037

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Robert B. Dickson et al.	:	
Application No. 12/040,467	:	DECISION ON PETITION
Filed: February 29, 2008	:	
Attorney Docket No. **G166 1030.1**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 4, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of February 23, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is May 24, 2010.

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

Telephone inquiries concerning this decision should be directed to the JoAnne Burke at (571)272-4584.

This application is being referred to Technology Center AU 1652 for appropriate action by the Examiner in the normal course of business.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON DC 20007-5118

MAILED
AUG 11 2010
OFFICE OF PETITIONS

In re Application of	:	
Thomas F. Johnson, et al.	:	
Application No. 12/040,577	:	NOTICE
Filed: February 29, 2008	:	
Attorney Docket No. 215190-00028	:	

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
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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JOHN S. PRATT, ESQ
KILPATRICK TOWNSEND & STOCKTON LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA GA 30309

MAILED
DEC 13 2011
OFFICE OF PETITIONS

In re Application of	:	
Timothy M. Russell	:	
Application No. 12/040,596	:	DECISION GRANTING PETITION
Filed: February 29, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 61636/384331	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 6, 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 2, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1782 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.*

CERTIFICATE OF EFS FILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: October 28, 2010 Name: Gustavo Siller, Jr. Signature: /Gustavo Siller, Jr./

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Keping Chen et al.	
Appl. No.: 12/040,600	Conf. No.: 9711
Title: METHOD FOR PROCESSING SHORT MESSAGE AND COMMUNICATION TERMINAL	Art Unit: 2617
Filed: February 29, 2008	Examiner: Chayce R. Bibbee
Docket No.: 13674-3 Client Ref. No.: 0710898US	

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

PETITION FOR SPECIAL STATUS UNDER 37 C.F.R. §1.102 FILED IN CONNECTION WITH A LETTER OF EXPRESS ABANDONMENT UNDER 37 C.F.R. §1.138(A) AS REQUIRED UNDER THE BACKLOG REDUCTION STIMULUS PLAN

Sir:

Applicants hereby request Special Status under 37 C.F.R. §1.102 to expedite processing above-identified U.S. Patent Application Serial No. 12/040,600 under the Patent Application Backlog Reduction Stimulus Plan. In support of this request and petition, Applicants state:

I. Applicants have submitted a letter of Express Abandonment of U.S. Patent Application Serial No. 12/537,529 under 37 C.F.R. §1.138(a) as required under the Patent Application Backlog Reduction Stimulus Plan.

   a. The Application for which express abandonment is requested is U.S. Patent Application Serial No. 12/537,529 filed on August 7,

2009. Accordingly, this Application has a filing date earlier than October 1, 2009.

b. The Application for which special status is requested is U.S. Patent Application Serial No. 12/040,600 filed on February 29,2008. Accordingly, this Application has a filing date earlier than October 1, 2009.

c. U.S. Patent Application Serial Nos12/040,600 and 12/537,529 are commonly owned by Huawei Technologies Co., LTD. The Applications were commonly owned on October 1, 2009.

II. Applicants submit and affirm that Applicants have not and will not file a new application that claims this same invention under any provision of Title 35 U.S.C.

III. Applicants submit and affirm that Applicants have not received special status for more than fourteen (14) other applications under this program.

IV. Applicants agree to not request a refund of any fees paid in this application.

V. Applicants agree to make any required election without traverse in a telephonic interview if the Office determines that the claims of U.S. Application Serial No. 12/040,600 to be afforded special status are directed to two or more independent and district inventions.

While Applicants believe that no fees are due in connection with this request, Applicants direct the Office to charge the deposit account identified herewith for any fees deemed owed.

Respectfully submitted,

BRINKS HOFER GILSON & LIONE

Dated: October 28, 2010

BY: /Gustavo Siller, Jr./
Gustavo Siller Jr.
Reg. No. 32,305

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 10 2010

OFFICE OF PETITIONS

Huawei/BHGL
P.O. Box 10395
Chicago IL 60610

In re Application of
CHEN, et al.
Application No. 12/040,600
Filed: February 29, 2008
Attorney Docket No. **13674-3**

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed October 28, 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 **DISMISSED**.

Any request for reconsideration of this decision should include a cover letter entitled "Renewed Petition under 37 CFR 1.102." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The petition lacks Item 4a-c above.

More specifically, the Letter of Express Abandonment filed in Application No. 12/537,529 does not include the required statements directed thereto that the applicant (a) has not and will not file a new application that claims the same invention claimed in the expressly abandoned application, (b) 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) agrees not to request a refund of any fees paid in the expressly abandoned application. The statements made by the applicant on Page 2 of the Letter of Express Abandonment filed in 12/537,529, Item "V", are specifically directed to Application No. 12/040,600 (the application for which special status has been sought) not Application No. 12/537,529 (the application for which the Express Abandonment was filed). As such, the present petition to make special must be dismissed.

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

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

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

By FAX: (571) 273-8300

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

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

The application is being forwarded to the Technology Center Art Unit 2617 for action in its regular turn.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DLA PIPER US LLP
1999 AVENUE OF THE STARS
SUITE 400
LOS ANGELES CA 90067-6023

MAILED

JUN 03 2011

OFFICE OF PETITIONS

In re Application of
Soichi Yamazaki et al
Application No. 12/040,720
Filed: February 29, 2008
Attorney Docket No. 374628-000143

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 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 2852 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

MAILED
MAR 22 2012
OFFICE OF PETITIONS

NITESH RATNAKAR
ROUTE 3
BOX 179-A
ELKINS WV 26241

In re Application of :
NITESH RATNAKAR :
Application Number: 12/040,760 : ON PETITION
Filing Date: February 29, 2008 :
Title: GEO TAGGING AND :
AUTOMATIC GENERATION OF :
METADATA FOR PHOTOS AND VIDEOS :

This is a decision in response to the petition under 37 CFR 1.181, filed February 3, 2012, to withdraw the holding of abandonment in the above-identified.

On April 29, 2011, the Office mailed a non-final Office action, which set a three-month shortened statutory period to reply. Extensions of the time period for response were available under 37 CFR 1.136(a).

On October 4, 2011, the Office received a reply to the non-final Office action and a $245.00 fee for an extension of time for response within the second month. Both the reply and Fee Transmittal contained a certificate of mailing dated September 29, 2011.

On January 30, 2012, the Office mailed a Notice Requiring Extension of Time Fee, advising applicant that the Office received applicant's reply to the non-final Office action on October 4, 2011, but that the accompanying extension of time fee was insufficient. The Notice stated that the two-month extension of time fee had increased to $280.00 effective October 1, 2011, leaving a balance due of $35.00. The Notice further indicated that the period for reply to the non-final Office action continued to run from its mail date of April 29, 2011. On February 2, 2012, the Office mailed a Notice of Abandonment.

On February 3, 2012, applicant filed the present petition. Applicant's attorney explains:

> A Notice of Additional Fee due was sent January 31, 2012, but not received by the undersigned attorney. A copy of the Notice of Additional Fee, dated January 31, 2012 is attached hereto as Exhibit B. Attorney Kenneth W. Jarrell passed away January 10, 2012. Applicant was made aware of the passing over the weekend of January 20th. The undersigned attorney was engaged to handle Applicant's application and portfolio January 29th submitting a customer number correspondence change January 31, 2012. While the Notice of Additional Fee due was sent January 31, 2012, it was not received by the undersigned attorney as the customer number change was unprocessed at the time of electronic transmittal.

Petition, 02/03/12, p. 1.

Applicant's attorney further asserts:

> [T]he 2-month extension fee of $245 was deposited with the U.S. Postal Service September 29, 2011 entitling Applicant to the lower $245 fee rather than the $280 fee required after October 1, 2011. Therefore, there is no deficiency of $35 as indicated by the Notice of Additional Fee. Furthermore, as the Notice of Additional Fee was sent after Attorney Kenneth W. Jarrell's untimely passing and before the undersigned Attorney was added to the Application, there was never timely receipt of the Notice by Applicant's counsel prior to the abandonment of the subject Application.

Petition, 02/03/12, p. 2.

The Office has considered applicant's arguments, but does not find them persuasive. The Office acknowledges that the applicant used the certificate of mailing procedure under 37 CFR 1.8 when submitting the reply and the two-month extension of time fee. Thus, the reply and the extension of time fee received the benefit of the date of deposit in the United States Postal Service of September 29, 2011. Unfortunately, the Notice Requiring Extension of Time Fee incorrectly stated that the two-month extension of time fee increased to $280.00 effective October 1, 2011. The Office notes that the two-month extension of time fee increased to $280.00 **effective September 26, 2011**. Any amount paid on or after September 26, 2011, was required to be paid as shown in the revised fee schedule. The public was apprised of the change in the fee amount, and the new fee schedule was available on the USPTO website. Therefore, applicant was required to pay the two-month extension of time fee due on September

29, 2011, in the amount of $280.00. Accordingly, applicant's payment of $245.00 was insufficient, leaving a balance due of $35.00.

While the Office attempts to notify an applicant of any fee deficiency in a manner permitting a timely correction, **the Office is under no obligation to do such**. See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985); see also In re Colombo, Inc., 33 USPQ2d 1530, 1532 (Comm'r Pat. 1994). An applicant is ultimately responsible for ensuring that fees are paid in the proper amount. Moreover, it is an applicant's responsibility to take reasonable precautions by apprising himself of the correct fee amounts before payment to the USPTO.

Accordingly, the Office properly held the application. The application became abandoned by operation of law due to applicant's failure to file a timely reply to the non-final Office action with the maximum statutory period for response and not because of any delay in the mailing the Notice Requiring Extension of Time Fee or any other error on the part of the USPTO.

The petition to withdraw the holding of abandonment is **dismissed**. Any request for reconsideration must be submitted within two (2) months of the date of this decision. **This time period may not be extended**. See 37 CFR 1.181(f).

Applicant may wish to consider filing a petition under 37 CFR 1.137(b). The provisions of 37 CFR 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed.

(2) The petition fee as set forth in 37 CFR 1.17(m);

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

(4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant § 1.137(d).

The Office notes that there is no indication in the record that applicant submitted a power of attorney to appoint Matthew W. Mitchell to prosecute the application on his behalf. Additionally, the address given in the petition differs from the address of record. There is no indication in the application file

that applicant filed a request to change the correspondence address of record to the address listed on the petition. If applicant desires to be represented by Mr. Mitchell in this application, applicant must file a power of attorney appointing Mr. Mitchell. Furthermore, if applicant wishes to receive future correspondence at the address given on the petition, applicant must file a change of correspondence address in this case. The Office will continue to send correspondence to the address currently of record until otherwise notified. As a one-time courtesy, the Office will send a copy of the decision to the address listed on the petition.

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

Cc: Mitchell Law PLLC
939 Andover Woods Dr.
Fenton, MI 48430

UNITED STATES 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 12, 2012
In re Application of Nitesh Ratnakar
Application No. 12040760
Filed: 29-Feb-2008

DECISION ON PETITION
UNDER CFR 1.137(b)

Attorney Docket No.

This is an electronic decision on the petition under 37 CFR 1.137(b), April 12, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

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

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

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

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

This application file is being directed to the Technology Center.

Office of Petitions

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	12040760
Filing Date	29-Feb-2008
First Named Inventor	Nitesh Ratnakar
Attorney Docket Number	
Title	Geo Tagging and Automatic Generation of Metadata for Photos and Videos

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 10-04-2011
- ○ 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	/Matthew W Mitchell/
Name	Matthew W Mitchell
Registration Number	61594

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
MAY 27 2011
OFFICE OF PETITIONS

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

In re Application of	:	
SRINIVASAN, et al	:	
Application No. 12/040,772	:	DECISION ON PETITION
Filed: February 29, 2008	:	TO WITHDRAW
Attorney Docket No. 34874-735F01US	:	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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MOETTELI & ASSOCIATES SARL
ST. LEONHARDSTRASSE 4
ST. GALLEN CH-90-00 CH SWITZERLAND

MAILED
MAR 08 2011
OFFICE OF PETITIONS

In re Application	:	
Sherry et al.	:	DECISION ON PETITION
Application No. 12/040,778	:	TO WITHDRAW
Filed: February 29, 2008	:	FROM RECORD
Attorney Docket No. PUS-P001-091	:	

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 1, 2011.

The request is **DISMISSED**.

A review of the file record indicates that Customer Number 51184, Moetteli & Associates Sarl, was never appointed power of attorney in this patent application and therefore, was only designated as the correspondence address of record. As a result, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

Further, petitioner should note that 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.

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

There are no outstanding Office actions that require a reply from the applicant.

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

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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STEVENS LAW GROUP
1754 TECHNOLOGY DRIVE
SUITE #226
SAN JOSE CA 95110

MAILED

JAN 07 2011

OFFICE OF PETITIONS

In re Application of	:	
Bronstein et al.	:	DECISION ON PETITION
Application No. 12/040,788	:	TO WITHDRAW
Filed: February 29, 2008	:	FROM RECORD
Attorney Docket No. NOVA-00300	:	

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

The request is **NOT APPROVED**.

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.

The Office will not 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). This includes address changes to law firms, where no new power of attorney has been filed in the application. If the applicants wish future correspondence to be mailed to a new law firm, a new power of attorney should be submitted in the application and should include the desired change of correspondence address. Accordingly, as the Request to Withdraw specified a law firm as the new correspondence address of record, the request cannot be granted at this time.

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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STEVENS LAW GROUP
1754 TECHNOLOGY DRIVE
SUITE #226
SAN JOSE CA 95110

MAILED
APR 19 2011
OFFICE OF PETITIONS

In re Application of	:	
Bronstein et al.	:	DECISION ON PETITION
Application No. 12/040,788	:	TO WITHDRAW
Filed: February 29, 2008	:	FROM RECORD
Attorney Docket No. NOVA-00300	:	

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 21, 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.*

As there is no Statement under 37 CFR 3.73(b) in the instant application, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

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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STEVENS LAW GROUP
1754 TECHNOLOGY DRIVE
SUITE #226
SAN JOSE CA 95110

MAILED

AUG 05 2011

OFFICE OF PETITIONS

In re Application of	:	
Bronstein et al.	:	DECISION ON PETITION
Application No. 12/040,788	:	TO WITHDRAW
Filed: February 29, 2008	:	FROM RECORD
Attorney Docket No. NOVA-00300	:	

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 7, 2011.

The request is **APPROVED**.

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

The request was signed by David R. Stevens on behalf of all attorneys/agents of record. All attorneys/agents have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee, NOVAFORA, INC., at the address indicated below.

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

cc: NOVAFORA, INC.
2460 N. 1ST ST, SUITE 200
SAN JOSE CA 95131

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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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

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of	:	
Dan Cristian Marinescu, et. al.	:	
Application No. 12/040,789	:	DECISION ON PETITION
Filed: February 29, 2008	:	TO WITHDRAW FROM
Attorney Docket No. BOBJ-200/00US 304661-2446	:	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 March 7, 2011.

The request is **APPROVED**.

The request was signed by William S. Galliani on behalf of himself and all attorneys/agents associated with Customer Number 23419. Therefore, William S. Galliani and all the attorneys/agents associated with Customer Number 23419 have been withdrawn.

All future communications from the Office will be directed to the address listed above 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: Cooley LLP
Attn: Patent Group
Suite 1100
777 - 6th Street, NW
Washington, DC 20001

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED
JUN 30 2011
OFFICE OF PETITIONS

Maryam Imam
95 SOUTH MARKET STREET, SUITE 570
SAN JOSE CA 95113

In re Application of	:	
Rajiv Yadav Ranjan, et al.	:	
Application No. 12/040,801	:	DECISION ON PETITION
Filed: February 29, 2008	:	
Attorney Docket No. AVALANCHE-0009US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 11, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed October 1, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). A five (5) month extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 2, 2011. The Notice of Abandonment was mailed May 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 an election, (2) the petition fee of $810, and (3) an adequate statement of unintentional delay.

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

This application is being referred to Technology Center AU 2824 for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MARYAM IMAM
95 SOUTH MARKET STREET, SUITE 570
SAN JOSE CA 95113

MAILED
JUN 29 2011
OFFICE OF PETITIONS

In re Application of :
Rajiv Yadav Ranjan et al :
Application No. 12/040,801 : DECISION ON REQUEST FOR REFUND
Filed: February 29, 2008 :
Attorney Docket No. AVALANCHE-0009US :

This is a decision on the Request For Refund filed May 11, 2011.

The request is **GRANTED**.

Applicant files the above request for refund and states that "It is hereby requested that due to the abandonment of the subject application even though payment of a 5-month extension of time was paid, the amount of $1,175 be reimbursed or applied toward the payment of the Petition to Revive being submitted herewith."

The petition to revive fee was paid by credit card on May 11, 2011. Therefore, a total of $1,175.00 extension fee (paid on April 4, 2011) is being refunded to petitioner's credit card account as it is the method in which the fee was paid. Also, the 5-month extension fee was submitted outside of the maximum extendable period for reply, as was indicated in the Notice of Abandoment sent electronically on May 10, 2011.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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P.O. Box 1450

MAILED
AUG 26 2011
OFFICE OF PETITIONS

George J. Ciamillo
4159 Mike Padgett Highway
Augusta GA 30906

In re Application of	:	
George J. CIAMILLO	:	ON PETITION
Application No. 12/040,892	:	
Filed: March 1, 2008	:	
Atty. Docket No.: MGW02C		

This is in response to the petition under 37 CFR 1.137(b), filed July 31, 2011.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Requirement for Restriction/Election mailed July 17, 2009, which set a shortened statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned August 18, 2009. A Notice of Abandonment was mailed January 26, 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 Restriction Requirement, (2) a petition fee of $810, and (3) a statement of unintentional delay. The reply to the Restriction Requirement is accepted as having been unintentionally delayed.

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

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

The application file will be referred to Technology Center Art Unit 3656 for further action on the filed Response.

Rajneesh Krishnamurthy

for Anthony Knight
Director
Office of Petitions

cc: Ariel Bentolila
Bay Area Intellectual Property Group, LLC
P.O. Box 210459
San Francisco, CA 94121-0459

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BAKER BOTTS LLP
C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON DC 20004-2400

MAILED
MAR 02 2012
OFFICE OF PETITIONS

In re Application of :
Matsumoto :
Application No. 12/041,090 : DECISION
Filed/Deposited: 3 March, 2008 :
Attorney Docket No. 076376.0967 :

This is a decision on the petition filed on 3 February, 2012, considered pursuant to the regulations at 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

NOTE:

Petitioner refers to a telephone conversation with someone at the Office.

Petitioner, as one registered to practice before the Office, is well aware that such a reference is neither appropriate nor proper.

By regulation, all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the only proper authorities 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 or in-person discussion may be controlling or considered authority for Petitioner's action(s)/inaction(s).

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**.

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

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. §1.181."

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

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due (drawings requirement) mailed on 11 October, 2011, with reply due under a non-extendable deadline on or before 11 January, 2012.

The application went abandoned by operation of law after midnight 11 January, 2012.

The Office mailed the Notice of Abandonment on 1 February, 2012.

On 3 February, 2012, Petitioner Hung-Wei Tsai (Reg. No. 62,601) filed a request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, and averred that the notwithstanding the clear statement on drawings in the 11 October, 2011, Notice, drawings were not due because the Examiner told him so. Petitioner, as one registered to practice before the Office is well aware that such a statement is neither appropriate nor proper. All practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the only proper authorities for action on any matter in this regard are

[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

the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Thus, Petitioner failed to make the proper showing—and appears incapable of doing so. In any case, Petitioner is directed to the guidance in the Commentary at MPEP §711.03(c)(I) with regard to a petition pursuant to 37 C.F.R. §1.181 and MPEP §711.03(c)(II) with regard to a petition pursuant to 37 C.F.R. §1.137(b). Petitioner may find it beneficial to move stepwise through that guidance.

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely fling:

***

> 37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.
>
> Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.
>
> Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered

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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.

> into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).
>
> 37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512. [3]
>
> ***

A Petitioner unable to comply with and/or otherwise satisfy these requirements may wish to revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[4]

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

STATUTES, REGULATIONS

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

---

[3] *See*: MPEP §711.03(c) (I)(B).

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

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.[5],[6]

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[7]

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

---

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

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

[7] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)

Petitioner is cautioned that the failure to promptly and properly submit a petition with fee pursuant to 37 C.F.R. §1.137(b) to revive an application abandoned due to unintentional delay may be considered *indicia* of a delay that is other than 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 hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[8]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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

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BAKER BOTTS LLP
C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON DC 20004-2400

MAILED

APR 09 2012

OFFICE OF PETITIONS

In re Application of	:	
Matsumoto	:	
Application No. 12/041,090	:	DECISION
Filed/Deposited: 3 March, 2008	:	
Attorney Docket No. 076376.0967	:	

This is a decision on the petition filed on 23 March, 2012, considered pursuant to the regulations at 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

NOTE:

Petitioner:

- Acknowledged in the instant petition inappropriately referring in the prior petition to a conversation with someone in the Office; and
- Professed that he was submitting a renewed petition "without relying on the subject matter of telephone or in-person conversations" with someone at the Office.[1]

Nonetheless, Petitioner then referred in the instant petition to another telephone conversation with someone at the Office.[2]

Petitioner, as one registered to practice before the Office, is well aware that such a reference is neither appropriate nor proper.

[1] Petition of 23 February, 2012, at page 1.
[2] Petition of 23 February, 2012, at page 3.

By regulation, all practice before the Office is in writing (see: 37 C.F.R. §1.2[3]) and the only proper authorities 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 or in-person discussion may be controlling or considered authority for Petitioner's action(s)/inaction(s).

At base the problem which Petitioner encountered is that Petitioner received the Notice of Allowance/Allowability and Fees Due mailed on 11 October, 2011, with reply due under a non-extendable deadline on or before 11 January, 2012. Petitioner paid the Fees Due but believed there to be a question/conflict/error as to the drawings requirement of the Notice. However, rather than make that question/conflict/error of record—in writing as is required of all matters before the Office (*e.g.*, providing copies of the drawings Petitioner thought appropriate)—at that time, Petitioner averred a number of conversations over a period of time. Had Petitioner replied in writing in a fashion the Office thought incorrect, the Office would have Noticed Petitioner and assigned a brief period for reply. However, Petitioner failed to reply in writing as to the drawings requirement, and the application appropriately was deemed abandoned.

Petitioner is cautioned that Petitioner's failure to file timely and properly a petition pursuant to 37 C.F.R. §1.137(b) (*see*: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)—accompanied by the reply, the petition fee, the statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional" and a terminal disclaimer and fee where appropriate—may be found to be an *indicia* of delay that is other than unintentional.

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. §1.181."

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

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[3] 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.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due (drawings requirement) mailed on 11 October, 2011, with reply due under a non-extendable deadline on or before 11 January, 2012.

The application went abandoned by operation of law after midnight 11 January, 2012.

The Office mailed the Notice of Abandonment on 1 February, 2012.

On 3 February, 2012, Petitioner Hung-Wei Tsai (Reg. No. 62,601) filed a request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, and averred that the notwithstanding the clear statement on drawings in the 11 October, 2011, Notice, drawings were not due because the Examiner told him so. Petitioner, as one registered to practice before the Office is well aware that such a statement is neither appropriate nor proper. All practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the only proper authorities 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). Thus, Petitioner failed to make the proper showing. The petition was dismissed on 2 March, 2012.

On 23 March, 2012, Petitioner re-advanced the petition, again inappropriately referring to one or more telephone conversations with someone at the Office, and narrated a history that clearly demonstrated and emphasized Petitioner's failure to timely and properly reply in writing to the

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[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.

drawings requirement of the Notice of Allowance/Allowability and Fees Due. Thus, Petitioner appeared to:

- have failed to make the required showing; and
- be unable to do so.

Petitioners always are directed to the guidance in the Commentary at MPEP §711.03(c)(I) with regard to a petition pursuant to 37 C.F.R. §1.181 and MPEP §711.03(c)(II) with regard to a petition pursuant to 37 C.F.R. §1.137(b). Petitioner may find it beneficial to move stepwise through that guidance.

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely fling:

***

> 37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.
>
> Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.
>
> Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the

correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512. [5]

***

A Petitioner unable to comply with and/or otherwise satisfy these requirements may wish to revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[6]

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.

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[5] *See*: MPEP §711.03(c) (I)(B).

[6] 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).

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)

Petitioner is cautioned that the failure to promptly and properly submit a petition with fee pursuant to 37 C.F.R. §1.137(b) to revive an application abandoned due to unintentional delay may be considered *indicia* of a delay that is other than unintentional.

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

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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

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[7],[8]

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[9]

Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

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

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

[9] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

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

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

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[10] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/041,115	03/03/2008	Walter Hetzer	010409.59937US	1767

23911 7590 04/12/2012
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER
BASTIANELLI, JOHN

ART UNIT	PAPER NUMBER
3753	

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):

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

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

In re Application of:
HETZER, WALTER et al
Serial No. 12/041,115
Filed: March 3, 2008
Docket: 010409.59937US
Title: VALVE CONTROL UNIT FOR RAMJET PROPULSION SYSTEM AS WELL AS GUIDED MISSILE HAVING SUCH A VALVE CONTROL UNIT

DECISION ON PETITION UNDER 37 CFR § 1.181

This is a decision on the petition filed April 5, 2012 under 37 CFR 1.181 requesting withdrawal of the finality of the last Office action mailed April 3, 2012.

The petition is granted.

It is noted that the record does show that in the amendment filed on December 8, 2011, the applicant did not amend at least claim 1. There was no change in scope of at least claim 1. Therefore, the rejection of claims 1-4 was not necessitated by the amendment filed on December 8, 2011.

As such, the finality of the Office action issued on April 3, 2012 is premature and thus the finality of the action is hereby withdrawn. The Office action mailed on April 3, 2012 will be designated as non-final Office action. The period to respond to the Office action of April 3, 2012 remains unchanged. Since the finality is being withdrawn, any amendment responding to the Office action will be treated as a 37 CFR § 1.111 amendment. In finding petitioner's points of argument persuasive, the requested relief is granted.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3753 awaiting the applicant's response. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Donald T. Hajec, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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DON J. PELTO
Sheppard, Mullin, Richter & Hampton LLP
1300 I STREET, NW
11TH FLOOR EAST
WASHINGTON DC 20005

In re Application of	:	
HALLAM et al.	:	
Application No. 12/041,188	:	DECISION ON PETITION
Filed: March 3, 2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 21RE-138074	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 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 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).

In regards to item (1), CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be

amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. *See* MPEP Section 201.11, Reference to Prior Nonprovisional Applications. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

Additionally, a nonprovisional application that directly claims the benefit of a provisional application under 35 U.S.C. 119(e) must be filed within 12 months from the filing date of the provisional application. Here, application serial no. 12/041,188 that claims benefit to Provisional application serial number 60/801,949 was not filed within 12 months of the Provisional application. Petitioner should also verify the filing date for application serial no. 10/410,508.

In regards to item (3), 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.

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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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.

Christopher Bottorff
Petitions Examiner
Office of Petitions

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Sheppard, Mullin, Richter & Hampton LLP
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WASHINGTON DC 20005

MAILED

JUN 09 2011

OFFICE OF PETITIONS

In re Application of	:	
HALLAM et al.	:	
Application No. 12/041,188	:	DECISION DISMISSING PETITIONS
Filed: March 3, 2008	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 21RE-138074	:	

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed May 17, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

The reference to the prior applications must identify all of the prior applications and indicate the relationship (i.e., continuation, divisional, or continuation-in-part) between each nonprovisional

application in order to establish copendency throughout the entire chain of prior applications. Appropriate references must be made in each intermediate application in the chain of prior applications. Here, Application serial number 11/750,900 does not make reference to provisional Application serial number 60/801,949. *See* MPEP Section 201.11 III.C., Reference to Prior Nonprovisional Applications. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition to correct the above matter is required.

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

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By fax: (571) 273-8300
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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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WASHINGTON DC 20005

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SEP 15 2011

OFFICE OF PETITIONS

In re Application of	:
HALLAM et al.	:
Application No. 12/041,188	: DECISION ON PETITIONS
Filed: March 3, 2008	: UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No.: 21RE-138074	:

This is a decision on the renewed petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed August 15, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications as set forth in the currently filed amendment.

The petitions are **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further,

the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application. All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this matter may be directed to 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 1617 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.

Jose' 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
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
12/041,188	03/03/2008	1617	857	21RE-138074	10	2

CONFIRMATION NO. 1891

CORRECTED FILING RECEIPT

68850
DON J. PELTO
Sheppard, Mullin, Richter & Hampton LLP
1300 I STREET, NW
11TH FLOOR EAST
WASHINGTON, DC 20005

OC000000049871625

Date Mailed: 09/15/2011

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)

Thomas M. Hallam, Astoria, NY;
Tim Tully, Cold Spring Harbor, NY;
Rusiko Bourtchouladze, New York, NY;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a DIV of 11/750,900 05/18/2007
and is a CIP of 11/479,185 06/29/2006
which is a DIV of 10/410,508 04/08/2003 ABN
which is a CIP of 09/927,914 08/10/2001 PAT 7,947,731
which claims benefit of 60/224,227 08/10/2000

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

If Required, Foreign Filing License Granted: 03/14/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/041,188**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

PHOSPHODIESTERASE 4 INHIBITORS FOR COGNITIVE AND MOTOR REHABILITATION

Preliminary Class

514

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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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/041,252	03/03/2008	Marla Mason Ross	P-9132	1011

7590 06/16/2011

Ted D. Lee
Gunn & Lee, P.C.
Suite 1500
700 N. St. Mary's Street
San Antonio, TX 78205

EXAMINER
HALE, GLORIA M

ART UNIT	PAPER NUMBER
3765	

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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Ted D. Lee
Gunn & Lee, P.C.
Suite 1500
700 N. St. Mary's Street
San Antonio TX 78205

In re Application of: ROSS, MARLA MASON Serial No. 12/041,252 Filed: March 3, 2008 Docket: P-9132 Title: FAUX CAMISOLE	Rescission of Abandonment

This is a decision on the petition, filed Jan. 15, 2010, under 37 CFR 1.181, to withdraw the holding of abandonment. The petition is being considered as a petition pursuant to 37 CFR 1.181(a). No fee is required.

The petition under 37 CFR 1.181 is GRANTED.

The current petition with two months of extension of time fee was filed on Jan. 15, 2011. The present application was held abandoned for failure to timely file an appeal brief. Notice of abandonment was mailed on Jan. 5, 2010. A review of the record shows that the applicant timely submitted a Notice of Appeal on Sep. 15, 2009. An appeal brief is due within two months from the filing of the Notice of Appeal on Sep. 15, 2009 with appropriate extension of time in accordance with 37 CFR § 1.136. Therefore, the notice of abandonment of Jan. 5, 2010 was sent prematurely. However, in view of the fact that the applicant has paid two months of extension of time fee on Jan. 15, 2010 for the purpose of filing a CIP instead of an Appeal Brief, the abandonment date of this application is Jan. 16, 2010.

Since the abandonment of Jan. 5, 2010 has been rescinded for the purpose of maintaining copendency with the CIP application, SN 12/688,718 filed on Jan. 15, 2010, then, the application is now again abandoned for failure to timely file an Appeal Brief.

Petition Granted.

Angie D. Sykes, Director
Technology Center 3700

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WOOD & ASSOCIATES, LLC
5430 LYNNZ LANE
PMB 347
COLUMBIA, MD 21044

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AUG 04 2010

OFFICE OF PETITIONS

In re Application of :
Robert Garrett :
Application No. 12/041,260 :
Filed: March 3, 2008 :
Attorney Docket No. 106-1001 :

ON PETITION

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

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed September 25, 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 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 a Request for Continued Examination (RCE) and fee of $405, and the submission required by 37 CFR 1.114; (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

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

This application is being referred to Technology Center AU 3724 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.

April M. Wise
Petitions Examiner
Office of Petitions

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BAKER & HOSTETLER LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE. N.W.
WASHINGTON DC 20036-5304

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ODM

JAN 06 2011

In re Application of
KRAATZ, ALEXANDER :
Application No. 12/041,282 : **DECISION ON PETITION**
Filed: March 3, 2008 :
Attorney Docket No.: 86032.1580 :

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 November 3, 2010.

The petition is **GRANTED**.

The application was held abandoned for failure to timely submit the Issue fee and Publication fee as required by the Notice of Allowance, mailed November 27, 2009 which set forth a three (3) month statutory period for reply. The Notice of Abandonment was mailed on October 27, 2010.

Petitioner attests that the Notice of Allowability mailed on July 13, 2010 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 by an email notification.

In view of the foregoing, the holding of abandonment for failure to timely submit the issue fee is hereby withdrawn and the application is restored to pending status. The application will be forwarded to the Technology Center for the remailing of the Notice of Allowance.

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

Kay D. Pinkney
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC
55 SOUTH COMMERICAL STREET
MANCHESTER NH 03101

MAILED

DEC 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Harvey, Charles E.	:	DECISION ON PETITION
Application No. 12/041,340	:	TO WITHDRAW
Filed: March 3, 2008	:	FROM RECORD
Attorney Docket No. HA01.700US	:	

This is a decision on the Request to Withdraw as Attorney or Agent of Record under 37 C.F.R. § 1.36(b), filed December 1, 2010.

The request is **NOT APPROVED**.

The request 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.

Practitioner has not complied with all of the above certifications. Practitioner states that the applicant cannot be reached. However, an effort to deliver the papers and property, along with notice of practitioner's intent to withdraw, to the applicant should be attempted.

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 October 4, 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. 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
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GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC
55 SOUTH COMMERICAL STREET
MANCHESTER NH 03101

MAILED

APR 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Harvey, Charles E.	:	DECISION ON PETITION
Application No. 12/041,340	:	TO WITHDRAW
Filed: March 3, 2008	:	FROM RECORD
Attorney Docket No. HA01.700US	:	

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 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. 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 Edmund P. Pleger on behalf of all attorneys/agents of record who are associated with Customer Number 32047. All attorneys/agents associated with Customer Number 32047 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, Charles Harvey, at the address indicated below. However, the instant application is now abandoned for failure to timely respond to the Office action mailed October 4, 2010.

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: CHARLES E. HARVEY
1049 N. TOWN AND RIVER DRIVE
FORT MYERS, FL 33919

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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PARK LAW FIRM
3255 WILSHIRE BLVD.
SUITE 1110
LOS ANGELES CA 90010

MAILED
MAR 22 2011
OFFICE OF PETITIONS

In re Application of	:	
Min Won Park	:	
Application No. 12/041,348	:	DECISION ON PETITION
Filed: March 3, 2008	:	
Attorney Docket No. 2516.01	:	

This is a decision on the petition, filed December 21, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

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 file corrected drawings as required by the Notice of Allowability mailed August 19, 2010. A Notice of Abandonment was mailed on December 8, 2010.

Applicant files the present petition and states that "On November 19, 2010, Applicant paid the issue fee and publication fee without submitting corrected drawings. Applicant did not submit corrected drawings, relying on Examiner's Amendment and Office Action Appendix. The Examiner's Amendment states "Should the changes and/or addition be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. §1.312." *See Attachment A*. The Office Action Appendix shows corrected drawings along with the word "APPROVED:/J.S./. See **Attachment B**. Looking at and reasonably relying on these documents, Applicant didn't submit corrected drawings assuming the corrections will be automatically entered."

Petitioner is advised that the Examiner's Amendment mentioned above provided instructions showing changes that the attorney had to make. More importantly, in box 5 of the Notice of

Allowability mailed August 19, 2010, it indicated that CORRECTED DRAWINGS (as "replacement sheets") must be submitted (box (b) was also checked).

In view of the above, the petition to withdraw holding of abandonment under 37 CFR 1.181 is dismissed.

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 $1,620.00 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 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.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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SUITE 1110
LOS ANGELES CA 90010

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OFFICE OF PETITIONS

In re Application of	:	
Min Won Park	:	
Application No. 12/041,348	:	DECISION ON PETITION
Filed: March 3, 2008	:	
Attorney Docket No. 2516.01	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of replacement drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance/Notice of Allowability mailed August 19, 2010, is accepted as having been unintentionally delayed.

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

This application is being referred to the Office of Data Management for review of the drawings submitted on March 29, 2010, and to be processed into a patent.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK NY 10016

MAILED
DEC 22 2010
OFFICE OF PETITIONS

In re Application of	:	
Erik ENEBAKK et al.	:	
Application No. 12/041,373	:	DECISION ON PETITION
Filed: March 03, 2008	:	
Attorney Docket No. E-1051-DIV	:	

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**.

This application became abandoned for failure to timely pay the issue and publication fees on or before November 09, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed August 09, 2010. Accordingly, the date of abandonment of this application is November 10, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the 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 issue and publication fees are accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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DORSEY & WHITNEY LLP - MINNEAPOLIS
INTELLECTUAL PROPERTY PRACTICE GROUP (MP-23)
ATTENTION: PATENT PROSECUTION DOCKETING DEPARTMENT
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS MN 55402-1498

MAILED
FEB 16 2011
OFFICE OF PETITIONS

In re Application of	:	
Sarnstrom	:	
Application No. 12/041,410	:	DECISION ON PETITION
Filed: March 3, 2008	:	
Attorney Dkt. No. 186361/US/2	:	

This is a decision on the petition filed under 37 CFR 1.137(b) in the above-identified application filed on December 28, 2010.

The petition is **DISMISSED.**

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

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed June 11, 2009. 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 September 12, 2009. A Notice of Abandonment was mailed December 18, 2009.

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

As to item (1), applicant has failed to provide a complete response to the non-final Office action. The Office is in receipt of the specification and amendment. However, a review of the drawings shows they do not meet the requirements of 37 CFR 1.121. When the Office receives replacement sheets of drawings for patent applications after the application has been filed, a

cover letter identifying the drawings by application number should accompany them. The application number and other identifying indicia should be placed on each sheet of drawings in accordance with 37 CFR 1.84(c). Each drawing sheet submitted after the filing date of the application must be identified as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

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 $1110 extension of time fee submitted with the petition on December 28. 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account 04-1420.

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

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

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

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

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

Charlema Grant

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

DORSEY & WHITNEY LLP - MINNEAPOLIS
INTELLECTUAL PROPERTY PRACTICE GROUP (MP-23)
ATTENTION: PATENT PROSECUTION DOCKETING DEPARTMENT
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS MN 55402-1498

MAILED

MAR 16 2011

OFFICE OF PETITIONS

In re Application of	:	
Sarnstrom	:	
Application No. 12/041,410	:	DECISION ON PETITION
Filed: March 3, 2008	:	
Attorney Dkt. No. 186361/US/2	:	

This is a decision on the renewed petition filed under 37 CFR 1.137(b) in the above-identified application filed on March 2, 2011.

The petition is **GRANTED.**

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed June 11, 2009. 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 September 12, 2009. A Notice of Abandonment was mailed December 18, 2009. A petition filed under 37 CFR 1.137(b) was dismissed on February 15, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, specification and replacement drawings (2) the petition fee of $1620.00, and (3) a statement of unintentional delay.

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

This application is being referred to Technology Center AU 2854 for appropriate action by the Examiner in the normal course of business on the reply received.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DEC 13 2010

OFFICE OF PETITIONS

MINTZ LEVIN COHN FERRIS GLOVSKY AND
POPEO PC
ONE FINANCIAL CENTER
BOSTON MA 02111

In re Patent No. 7,725,269	:	
Kessler, et al.	:	
Issue Date: May 25, 2010	:	DECISION ON
Application No. 12/041,416	:	PATENT TERM ADJUSTMENT
Filed: March 3, 2008	:	
Attorney Docket No. 28955-019C02US	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM INDICATED ON FACE OF PATENT UNDER 37 C.F.R. 1.705(d)", filed July 22, 2010. Patentees request that the patent term adjustment indicated on the patent be corrected from fifty-one (51) days to ninety-nine (99) days.

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

On May 25, 2010, the above-identified application matured into U.S. Patent No. 7,725,269 with a patent term adjustment of 51 days. Patentees filed the instant application for patent term adjustment on July 22, 2010.

Patentees argue that the patent term adjustment should be 99 days, because the Office erred in according 48 days of Applicant delay pursuant to 37 CFR 1.704(c)(10). Patentees assert that they should not be accorded any 1.704(c)(10) delay because the drawings they filed after the mailing of the Notice of Allowance were "submitted at the express request of the Examiner, made in the Notice of [Allowability]".

Patentees' argument has been considered, but is not persuasive. A review of the file does not reveal any error in the determination of the patent term adjustment. Patentees are correct that the submission of a supplemental reply or other paper expressly requested by the Examiner will not result in an assessment of applicant delay. However, that applies only to a 37 CFR 1.704(c)(8) submission. No allowance is made for a paper expressly requested by the Examiner when an applicant submits a paper after the mailing of a Notice of Allowance. This situation is governed by 37 CFR 1.704(c)(10), not 37 CFR 1.704(c)(8).

In view thereof, the correct determination of PTA at the time of issuance is **fifty-one (51)** days (99 days of PTO delay, reduced by 48 days of applicant delay).

Receipt of the $200 fee under 37 C.F.R. §1.18(e) is acknowledged.

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

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/041,481	03/03/2008	Hang Jae Yu	4823-0117PUS1	1460

2292 7590 10/26/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
VU, DAVID HUNG

ART UNIT	PAPER NUMBER
2821	

NOTIFICATION DATE	DELIVERY MODE
10/26/2010	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

October 22, 2010

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

In re Application of	:	
Hang Jae Yu	:	**DECISION ON PETITION**
Application No. 12041481	:	
Filed: 03/03/2008	:	
Attorney Docket No. **4823-0117PUS1**	:	

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) March 3, 2008.

The petition is **DISMISSED.**

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

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

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

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

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

/Kimberly Terrell/
Manager
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/041,481	03/03/2008	Hang Jae Yu	4823-0117PUS1	1460

7590 01/21/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
VU, DAVID HUNG

ART UNIT	PAPER NUMBER
2821	

NOTIFICATION DATE	DELIVERY MODE
01/21/2011	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

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

FORM PTOM327-5 (Rev. 02/08)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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January 19, 2011

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

In re Application of	: **DECISION ON PETITION**
YU, HANG JAE, ET AL,	
Application No.**12/041481**	: **ACCEPTANCE OF COLOR**
Filed: **03/03/2008**	: **DRAWINGS**
Attorney Docket: **4823-0117PUS1**	

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) March 3, 2008.

The petition is **GRANTED**.

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

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

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

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

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

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/28/11

TO SPE OF : ART UNIT: 2476 Attn: SHEIKH AYAZ R (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/041564 Patent No.: 8036133

CofC mailroom date: 12/21/2011

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: **Please check Claims 13 & 16**
Should the claims be amended again or not

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1814 & 703-756-1593

Thank You For Your Assistance

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

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

Comments: Ok to enter.

/Ayaz Sheikh/ 2476
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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VERISIGN/BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

MAILED
OCT 12 2010
OFFICE OF PETITIONS

In re Application of	:	
William J. HILLARD et al.	:	
Application No. 12/041,596	:	DECISION ON PETITION
Filed: March 03, 2008	:	
Attorney Docket No. 6783P042XC	:	

This is a decision on the petitions, filed June 23, 2010, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment and under 37 CFR 1.137(a), to revive the above-identified application.

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

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 May 26,2010, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed February 26, 2010.

Petitioner asserts that the Notice dated February 26, 2010 was not received.

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

1. a statement from practitioner stating that the Notice was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received; and
3. a copy of the docket record where the nonreceived Notice would have been entered and docketed had it been received must be attached to and referenced in the practitioner'statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).
The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

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

The issue and publication fees submitted with the petition will be accepted.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

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

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

MAILED

DEC 09 2010

OFFICE OF PETITIONS

In re Application of

MCGAHHEY, D. David et al.
Application No. 12/041,605
Filed: March 03, 2008
Attorney Docket No. **398779-001**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

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

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

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

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

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **SENSELABS, INC.**
7710 HAZARD CENTER DRIVE
SUITE E303
SAN DIEGO CA 92108

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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SHAY GLENN LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO CA 94403

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of
Chirico, et al.
Application No. 12/041,607
Filed: 3 March, 2008
Attorney Docket No. 10177-702.201

DECISION ON PETITION

This is a decision on the petition filed on 17 September, 2008, improvidently stated as pursuant to 37 C.F.R. §1.182, and properly considered pursuant to 37 C.F.R. §1.47—thereafter supplemented on 20 September, 2010.

NOTE:

The instant petition appears not to have been docketed for consideration until this writing. Petitioner is reminded that cycle time on most matters in the Office of Petitions (OP) in fact is on the order of 90 to 120 days, and should Petitioner not receive a response from OP on a matter submitted to the Office for consideration by OP, Petitioner may wish immediately to seek Status of the matter.

Moreover, Petitioners always are reminded that regulatory provisions mandate limited time periods for seeking relief. (*e.g.*, the regulations at 37 C.F.R. §1.181).

The petition as considered pursuant to 37 C.F.R. §1.47(a) is **GRANTED**.

A grantable petition under 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.

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 3 March, 2008, without, *inter alia*, a fully executed oath/declaration

On 18 March, 2008, the Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration.

On 17 September, 2008, Petitioner Richard D. Shoop (Reg. No. 45,763) submitted, *inter alia*: a request and fee for extension of time, a petition pursuant to 37 C.F.R. §1.47(a) with fee with statement, and with: an oath/declaration executed by co-inventors Chirico, Chan, Pakbaz, Souza and Martini for themselves and on behalf of non-signing inventor Joseph A. Horton MD (Dr. Horton). Notably, Petitioner avers Email transmission of the oath/declaration and an assignment to the non-signing inventor and then a second Email averred to entail transmission of the (entire) application (description, claims, abstract and drawings), with a refusal to sign by the non-signing inventor. However, a thorough reading of materials clearly evidences that the response of the non-signing inventor is not to the receipt of (with ability to open and read) the message with averred application attachment(s), but only the message containing the oath/declaration (and assignment). Thus, the showing failed to evidence transmittal to and receipt by the non-signing inventor of a copy of the complete application (description, claims, abstract and drawings). As a result there was no indication of the validity/currency/reasonableness of a last known postal address for the non-signing inventor and so presented properly to the Office pursuant to Petitioner's duty of candor to (with diligent inquiry before) the Office to ascertain same—or to make the basic showing of transmittal of the complete application (description, claims, abstract and drawings) to the non-signing inventor. However, the petition was supplemented on 20 September, 2010, pursuant to 37 C.F.R. §1.47(a), with a showing that evidenced the transmittal of the entire application to the non-signing inventor and the inventor's subsequent failure to sign/join, and provided a showing of diligent effort in demonstrating the reasonably believed to be valid/current/last known address the non-signing inventor who constructively refused to sign/join by his failure to reply. Petitioner appeared to have provided a showing satisfying the requirements under the Rule to wit: showing/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); an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and 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.

Thus, Petitioner sought to satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq.), and provide a showing that the non-signing inventor(s) constructively refused to sign.

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]

CONCLUSION

The instant petition under 37 C.F.R. §1.47(a) is **granted** (status is accorded pursuant to 37 C.F.R. §1.47(a).)

As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The instant application is released to the Office of Patent Application Processing (OPAP) for such processing as required in due course.

[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.

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

Commissioner for Patents
United States Patent and Trademark Office
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JOSEPH A. HORTON MD
2000 BANEBERRY DRIVE
HOOVER, AL 35244

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of
Chirico, et al.
Application No. 12/041,607
Filed: 3 March, 2008
Attorney Docket No. 10177-702.201

COMMUNICATION

Dear Joseph A. Horton MD:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §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 C.F.R. §1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

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).

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) 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) Moreover, the Office can neither advise you nor recommend Counsel in this matter.

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

Counsel of Record:
SHAY GLENN LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO CA 94403

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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GARCIA-ZAMOR INTELLECTUAL PROPERTY LAW
ATTN: RUY GARCIA-ZAMOR
12960 LINDEN CHURCH ROAD
CLARKSVILLE MD 21029

MAILED

NOV 19 2010

OFFICE OF PETITIONS

In re Application of
Sued, et al.
Application No. 12/041,636
Filed: March 3, 2008
Atty. Dkt. No.: EMI-PTO20

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 14, 2010.

The petition is **GRANTED**.

This application became abandoned August 22, 2010 for failure to timely reply to the Notice of Allowance and Issue Fee Due (Notice) mailed May 21, 2010. The Notice set a three (3) month statutory period of time for reply. Notice of Abandonment was mailed September 3, 2010.

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

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

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

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SHEK-WAI NG
2/F DAN SING LIFE BLDG
99 DES VOEUX RD CENTRAL
HONG KONG SAR CN CHINA

MAILED

NOV 08 2010

OFFICE OF PETITIONS

In re Application of	:	
ShekWai Ng	:	
Application No. 12/041,650	:	ON PETITION
Filed: March 3, 2008	:	
Attorney Docket NO. BEELABCP	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed May 31, 2010.

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

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

The above-identified application became abandoned for failure to file a timely pay the issue fee and publication fee in response to the Notice of Allowance mailed August 11, 2009. This Notice set a statutory period for reply of three months. No fees having been received, the application became abandoned on November 12, 2009. The Office mailed a Notice of Abandonment on November 24, 2009. Applicant filed petitions to withdraw the holding of abandonment on December 31, 2009 and March 23, 2010, arguing that he did not receive the Notice of Allowance. However, the petitions were dismissed in decisions mailed on March 3, 2010 and April 14, 2010 respectively.

With the instant petition, petitioner has paid the petition fee, submitted the issue fee and publication fee, and made the proper statement of unintentional delay.

However, the PTOL-85(b) Issue Fee Transmittal Form submitted with the petition was not signed. Pursuant to 37 CFR 1.4(d), all correspondence must contain a signature.

Accordingly, on renewed petition, petitioner must submit a signed PTOL-85(b) Issue Fee Transmittal Form. No additional fees are due.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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SHEK-WAI NG
2/F DAN SING LIFE BLDG
99 DES VOEUX RD CENTRAL
HONG KONG SAR CN CHINA

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of	:	
ShekWai Ng	:	
Application No. 12/041,650	:	ON PETITION
Filed: March 3, 2008	:	
Attorney Docket NO. BEELABCP	:	

This is a decision on the renewed petition to revive under 37 CFR 1.137(b), filed December 14, 2010.

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

The above-identified application became abandoned for failure to file a timely pay the issue fee and publication fee in response to the Notice of Allowance mailed August 11, 2009. This Notice set a statutory period for reply of three months. No fees having been received, the application became abandoned on November 12, 2009. The Office mailed a Notice of Abandonment on November 24, 2009. Applicant filed petitions to withdraw the holding of abandonment on December 31, 2009 and March 23, 2010, arguing that he did not receive the Notice of Allowance. However, the petitions were dismissed in decisions mailed on March 3, 2010 and April 14, 2010 respectively. Applicant filed a renewed petition on May 31, 2010. However, the petition was dismissed in a decision mailed on November 8, 2010. The petition was dismissed because the issue fee transmittal form did not contain a signature.

With the instant renewed petition, petitioner has submitted a signed issue fee transmittal form. The other requirements for a grantable petition have been previously satisfied.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/041,651	03/03/2008	Adrian P. Rowley	038530-0056	1828

31824 7590 07/25/2011
MCDERMOTT WILL & EMERY LLP
600 13th Street, NW
Washington, DC 20005-3096

EXAMINER
MASHACK, MARK F

ART UNIT	PAPER NUMBER
3773	

NOTIFICATION DATE	DELIVERY MODE
07/25/2011	ELECTRONIC

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

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

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

mweipdocket@mwe.com

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12/041,651	03 March 2008	ROWLEY ET AL.	038530-0056

EXAMINER
MARK MASHACK

ART UNIT	PAPER
3773	20110720

DATE MAILED:

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

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

Commissioner for Patents

In view of the papers filed 2/10/2011, the inventorship in this nonprovisional application has been changed by the addition of Francis S. Markland, Jr.
The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

/CORRINE M MCDERMOTT/
Supervisory Patent Examiner, Art Unit 3773

/Mark Mashack/
Examiner, Art Unit 3773

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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CONLEY ROSE, P.C.
DAVID A. ROSE
P.O. BOX 3267
HOUSTON TX 77253-3267

MAILED
FEB 09 2012
OFFICE OF PETITIONS

In re Application of	:	
Charles R. Allen	:	
Application No. 12/041,691	:	DECISION GRANTING PETITION
Filed: March 4, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1787-19300	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 8, 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 January 26, 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 3674 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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MURATA MANUFACTURING COMPANY, LTD
C/O KEATING & BENNETT, LLP
1800 ALEXANDER BELL DRIVE
SUITE 200
RESTON VA 20191

MAILED
SEP 30 2010
OFFICE OF PETITIONS

In re Application of	:	
Kawagishi et al	:	
Application No. 12/041,730	:	DECISION GRANTING PETITION
Filed: March 4, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 36856.1632	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 30, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This application is being referred to Technology Center AU 2841 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

MAILED
SEP 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Matthew Sansone	:	
Application No.: 12/041747	:	ON PETITION
Filing or 371(c) Date: 03/04/2008	:	
Attorney Docket Number:	:	
TPI5091USNP	:	

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 August 25, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed November 15, 2010. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on February 16, 2011. A Notice of Abandonment was mailed on June 15, 2011.

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

This application is being referred to Technology Center Art Unit 1765 for processing of the response to the Office action filed with the petition in the normal course of business.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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BANNER & WITCOFF, LTD
ATTORNEYS FOR CLIENT 004770
1100 13TH STREET
SUITE 1200
WASHINGTON, DC 20005-4051

MAILED
FEB 09 2012
OFFICE OF PETITIONS

In re Application of
Martti Juhani Rauhala
Application No. 12/041,798
Filed: March 4, 2008
Attorney Docket No.: 004770.01498

ON PETITION

This is a decision on the petition, filed January 6, 2012, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. However, in accordance with 37 CFR 1.34(a), the signature of G. Peter Albert, Jr. appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. A courtesy copy of this decision is being mailed to petitioner. However, if Mr. Albert desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

The petition is GRANTED.

This application became abandoned for failure to timely pay the issue fee and publication fee on or before October 28, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed July 28, 2011. A Notice of Abandonment was subsequently mailed on November 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 payment of the issue fee of $1,740 and the publication fee of $300, (2) the petition fee of $1,860; and (3) an adequate statement of unintentional delay[1].

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

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

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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TOWNSEND TOWNSEND & CREW LLP /Pulmonx 017534
TWO EMBARCADERO CENTER, EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED

JUN 27 2011

OFFICE OF PETITIONS

In re Application of
Son GIA, et *al.*
Application No. 12/041,827
Filed: March 4, 2008
Attorney Docket No. **017534-004310US**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 3, 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. 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 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 all the above certifications. Also, petitioner has not properly submitted forwarding correspondence 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.

Inquires concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-3700. Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

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

cc: **KNOBBE MARTENS OLSON & BEAR LLP**
2040 MAIN STREET, FOURTEENTH FLOOR
IRVINE, CA 92614

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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GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY MI 48007-7021

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of	:	
Peter J. Marcucci	:	
Application No. 12/041,839	:	DECISION ON PETITION
Filed: March 4, 2008		TO WITHDRAW FROM RECORD
Attorney Docket No. MPJ-10002/01	:	
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 18, 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 Ernest I. Gifford on behalf of all attorneys of record who are associated with Customer Number 25006.

All attorneys/agents associated with the Customer Number 25006 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the applicant at the address indicated below.

Currently, there is an outstanding Office action mailed September 15, 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 J. Marcucci
4782 Lummus Street
North Port, FL 34286

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/041,904	03/04/2008	MARK IAIN PILKINGTON	RCA-10529 (50081US)	2350

79289 7590 08/02/2010
Meiers Law Office
7245 Sawmill Run
Holland, OH 43528

EXAMINER
SWINNEY, JENNIFER B

ART UNIT	PAPER NUMBER
3724	

NOTIFICATION DATE	DELIVERY MODE
08/02/2010	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):

rm@ipatt.com
ipatt@hotmail.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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www.uspto.gov

Meiers Law Office
7245 Sawmill Run
Holland OH 43528

In re Application of:	:	
PILKINGTON, MARK IAIN .	:	
Serial No.: 12/041,904	:	
Filed: March 4, 2008	:	DECISION ON PETITION
Docket: RCA-10529 (50081US)	:	
Title: TOOL ASSEMBLY FOR REMOVING MATERIAL FROM A WORK-PIECE	:	

This is a decision on the petition filed on May 18, 2010 seeking withdrawal of the finality of the Office action mailed February 18, 2010. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is dismissed as untimely.

In the May 18, 2010 petition, the petitioner requests the finality of the Office action of February 18, 2010 be reconsidered and withdrawn because the applicant believes that the final rejection of February 18, 2010 was premature. It is noted that the applicant has pursued the appeal process by filing a Pre-Appeal Brief Request Review on May 18, 2010. The Pre-Brief Appeal Conference Decision was mailed on July 12, 2010. A review of the record shows that the instant petition was filed more than two months after the mailing date of the final Office action of February 18, 2010. The current petition was filed three months from the Office action from which relief is requested. Pursuant to 37 CFR 1.181(f)[1], the petition is not timely filed since the petition was not filed within two months of the action complained of. As the petition was not timely filed, the requested withdrawal of finality of the Office action of February 18, 2010 will not be granted.

[1] 37 CFR 1.181(f): The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

For reason as stated above, petitioner's request to withdraw the finality of the Office action dated February 18, 2010 is dismissed as untimely.

The application is being forwarded to the examiner via the Supervisor Patent Examiner of Art Unit 3724 awaiting the applicant's appeal brief.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED AS UNTIMELY.

for

Donald T. Hajec, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MASS ENGINEERED DESIGN INC.
474 WELLINGTON STREET WEST
TORONTO ON M5V-1E3 CA CANADA

MAILED
FEB 23 2011
OFFICE OF PETITIONS

In re Patent No. 7,594,823	:	
Issued: September 29, 2009	:	
Application No. 12/042,015	:	ON PETITION
Filed: March 4, 2008	:	
Attorney Docket No. 5US1PC1US1US1US	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed January 11, 2011.

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

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

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

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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HAHN & VOIGHT PLLC
1012 14TH STREET, NW
SUITE 620
WASHINGTON DC 20005

MAILED
DEC 30 2011
OFFICE OF PETITIONS

In re Application of	:	
Molnar et al.	:	DECISION ON PETITION
Application No. 12/042,050	:	
Filed: March 4, 2008	:	
Attorney Docket No.	:	
DAN-013 (103504)	:	

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed December 13, 2011.

The petition is **GRANTED**.

On February 17, 2011, a non-final Office action was mailed in the above-identified application. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply was filed and no extension of time was obtained. Accordingly, the application became abandoned effective May 18, 2011. A courtesy Notice of Abandonment was mailed on September 14, 2011.

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

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

Technology Center AU 2628 has been advised of this decision. The application is, thereby, forwarded to the examiner for

consideration of the reply (amendment) submitted on December 13, 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

Docket No.: 23798-003001
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Richard WILLIAMSON et al.

Application No.: 12/042,067 | Confirmation No.: 2652

Filed: March 4, 2008 | Art Unit: 2629

For: TOUCH EVENT MODEL FOR WEB PAGES | Examiner: Richard A. Hjerpe

PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102

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

Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Fed. Reg. 36063 (June 24, 2010), Applicants request that this application ("'067 application") be accorded special status for examination.

The conditions of Project Exchange are satisfied in connection with this request as follows:

- Special status is being sought for the '067 application based on the express abandonment of copending U.S. Patent Application No. 12/268,306 ("'306 application"), filed November 10, 2008, and entitled "JAPANESE-LANGUAGE VIRTUAL KEYBOARD." A copy of a Letter of Express Abandonment that is being concurrently filed in the '306 application is attached in the Appendix;[1]

[1] This petition is submitted under the assumption that the conditions of Project Exchange can be met in connection with this request. Should the Office determine that the conditions of Project Exchange cannot be met in connection with this request (e.g., due to the 10,000-application limit having been reached), please disregard this Petition and notify the undersigned.

- The '067 application and the '306 application are commonly owned by Apple Inc., a California corporation with a place of business at 1 Infinite Loop, Cupertino, California 95014;
- Applicants have not filed petitions in more than fourteen other applications requesting special status under Project Exchange; and
- Applicants agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the '067 application are directed to two or more independent and distinct inventions.

Although the fee for this petition is waived under Project Exchange, the Commissioner is authorized to charge any fee due in connection with this filing to Deposit Account No. 03-1952 referencing docket no. 106842802900.

Dated: 10/1/10

Respectfully submitted,

APPLE INC.

By

Brett Alten
Registration No.: 42,258
Attorney of Record
Customer No. 26183
(408) 974-6524

Attachment

va-313804

APPENDIX

Docket No.: P6255US1/63266-5137-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yasuo KIDA et al.

Application No.: 12/268,306

Confirmation No.: 7962

Filed: November 10, 2008

Art Unit: 2629

For: JAPANESE-LANGUAGE VIRTUAL KEYBOARD

Examiner: Richard A. Hjerpe

WRITTEN DECLARATION OF EXPRESS ABANDONMENT

PURSUANT TO 37 CFR 1.138(a) IN EXCHANGE FOR

SPECIAL STATUS IN U.S. PATENT APPLICATION NO. 12/042,067

Mail Stop EXPRESS ABANDONMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Fed. Reg. 36063 (June 24, 2010), Applicants request that this application ("'306 application") be expressly abandoned as of the filing date of this paper.

The conditions of Project Exchange are satisfied in connection with this request as follows:

- the '306 application is being expressly abandoned in exchange for special status being accorded for U.S. Patent Application No. 12/042,067 ("'067 application"), filed March 4, 2008, and entitled "TOUCH EVENT MODEL FOR WEB PAGES." A

Petition to Make Special under 37 CFR 1.102 is being filed concurrently herewith in the '067 application;[1]

- Applicants have not and will not file an application that claims the benefit of the '306 application under any provision of title 35, United States Code;
- Applicants agree not to request a refund of any fees paid in the '306 application; and
- Applicants have not and will not file a new application that claims the same invention claimed in the '306 application (the phrase "same invention" having the same meaning as used in the context of statutory double patenting under 35 USC 101).

Although no fee is believed due for this petition, the Commissioner is authorized to charge any fee due in connection with this filing to Deposit Account No. 03-1952 referencing docket no. 106842802900.

Dated: 10/1/10

Respectfully submitted,

APPLE INC.

By_____

Brett Alten
Registration No.: 42,258
Attorney of Record
Customer No. 61725
(408) 974-6524

[1] This declaration is submitted under the assumption that the conditions of Project Exchange can be met in connection with this request. Should the Office determine that the conditions of Project Exchange cannot be met in connection with this request (e.g., due to the 10,000-application limit having been reached), please disregard this declaration and notify the undersigned.

UNITED STATES 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 01 2010

OFFICE OF PETITIONS

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

In re Application of :
WILLIAMSON, et al. :
Application No. 12/042,067 :
Filed: March 4, 2008 :
Attorney Docket No. **23798-003001** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed October 5, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the

expressly abandoned application under any provision of title 35, United States Code, and

c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

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

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC
c/o CPA Global
P. O. BOX 52050
MINNEAPOLIS MN 55402

MAILED
JAN 31 2012
OFFICE OF PETITIONS

In re Application of	:
Sheiman	: DECISION ON PETITION
Application No. 12/042,081	:
Filed: March 4, 2008	:
Atty. Docket: P10094C	:

This is a decision on the petition under 37 CFR 1.182, filed December 9, 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 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 1.182." This is not a final agency decision.

Petitioner herein requests withdrawal of the terminal disclaimer filed June 13, 2011 filed to obviate a double patenting rejection with respect to U.S. Pat. No. 7,340,069 on the basis that subsequent to the filing of the terminal disclaimer, applicant became aware that the instant application and U.S. Pat. No. 7,340,069 are no longer commonly owned.

If timely requested, a recorded terminal disclaimer may be withdrawn before the application in which it is filed issues as a patent. Under appropriate circumstances, consistent with the orderly administration of the examination process, the nullification of a recorded terminal disclaimer may be addressed by filing a petition under 37 CFR 1.182 requesting withdrawal of the recorded terminal disclaimer.

The matter has been presented to Group Art Unit 2614 for consideration and it has been found that USPTO records reflect that the Intel Corp. is the assignee of both the patent and the instant application. Thus, it has been concluded that

insufficient evidence has been presented to warrant the withdrawal of the terminal disclaimer.

This application is being directed to Group Art Unit 2614 for further processing.

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

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

By facsimile: (571) 273-8300

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

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

Alesia M. Brown
Attorney Advisor
Office of Petitions

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	REQUEST DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
12/042,150	**2/4/2011**	**JOHN BREHM**	**MSQ01-010-CIP-US**

Title: **PREPARATION OF PROTECTIVE ANTIGEN**

Art Unit	Paper Number

Correspondence Address:
MITCHEL L. JONES
EVAN LAW GROUP LLC
600 WEST JACKSON BLVD. SUITE 625
CHICAGO, IL. 60661

Licensee under 35 U.S.C. 184 is hereby granted to file in any foreign country a patent application and any amendments thereto corresponding to the subject matter of this U.S. application identified above and/or any material accompanying the petition. This license is conditioned upon modification of any applicable secrecy order and is subject to revocation without notice.

License Number: 547,001
Grant Date: 14-Dec-11

This license is granted retroactively to the date(s) and the country(s) indicated on the attached decision.

Approved: Brown
for Commissioner of Patents and Trademar

This license empowers the filing, the causation and the authorization of the filing of a foreign application or applications on the subject matter identified above, subsequent forwarding of all duplicate and formal papers and the prosecution of such application or applications.

This license does not empower the filing of any applications, amendments, supplements or continuances originating in this country which disclose inventions, modifications, or variations not disclosed in the subject matter identified above.

This license is to be retained by the licensee and may be used at anytime on or after the date thereof. This license is not retroactive unless specifically indicated.

The grant of this license does not in any way lesson the responsibility of the 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 respecct to certain countries, of other agencies, particularly the Office of Foreign Assets Control, Department of the Treasury; Office of Munitions Control, Department of State (with respect to Arms, Munitions and Implements of War); the Bureau of Trade Regulation, Office of Export Adminsttration, Department of Commerce; and the Department of Energy.

LICENSE FOR FOREIGN FILING

[Title 35, United States Code (1952) Sections 184, 185, 186]

UNITED STATES PATENT AND TRADEMARK OFFICE

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

EVAN LAW GROUP LLC
600 WEST JACKSON BLVD., SUITE 625
CHICAGO IL 60661

In re Application of	:	
Brehm et al.	:	
Application No. 12/042,150	:	DECISION ON REQUEST
Filing or 371(c) Date: 03/04/2008	:	UNDER 37CFR 5.25
Attorney Docket Number:	:	
MSQ01-010-CIP-US	:	

Title of Invention: **PREPARATION OF PROTECTIVE ANTIGEN**

This is a decision on the "Response to Denial of Request for Retroactive Foreign Filing License Under 37 C.F.R. 5.25(a) for Subject Matter of Provisional Application Serial Number 60/579,687," filed October 12, 2011, for a retroactive foreign filing license. The response is properly treated as a renewed petition under 37 C.F.R. 5.25.

This renewed petition is hereby **granted**.

It has been determined that a retroactive license for foreign filing under 35 U.S.C. 184 be granted with respect to the filing listed below. The petition complies with 37 C.F.R. 5.25 in that there is an adequate showing that the subject matter in question was not under a secrecy order, that the license was diligently sought after discovery of the proscribed foreign filing, and that the material was filed abroad without the required license under 37 C.F.R. 5.11 through error and without deceptive intent.

Country	Date
Great Britain	June 16, 2004

It is noted that petitioner re-filed the petition fee with the renewed petition; however, no new petition fee is required. The petition fee filed with the renewed petition is being refunded to petitioner's credit card.

Telephone inquiries concerning this matter should be directed to Attorney Derek Woods at (571) 272-3232.

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
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.
12/042,235	03/04/2008	Amala Kishan KOMPELLA	13102.0017USI2	2972

23552 7590 04/04/2012
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER
WARD, PAUL V

ART UNIT	PAPER NUMBER
1624	

MAIL DATE	DELIVERY MODE
04/04/2012	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

April 4, 2012

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of	:	
KOMPELLA, AMALA KISHAN et al	:	**DECISION ON PETITION**
Application No. 12/042,235	:	
Filed: 03/04/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 13102.0017US12	:	***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 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, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the requirements above. Therefore, the petition is GRANTED.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/042,240	03/04/2008	Amala Kishan Kompella	13102.0017USI3	2981

7590 03/10/2011
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER
RAO, DEEPAK R

ART UNIT	PAPER NUMBER
1624	

MAIL DATE	DELIVERY MODE
03/10/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

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

FORM PTOM327-5 (Rev. 02/08)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

March 9, 2011

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

re Application of
KOMPELLA, AMALA KISHAN, ET. AL : **DECISION ON PETITION**
Application No: **12/042240** : **ACCEPTANCE OF COLOR**
Filed: **03/04/2008** : **DRAWINGS**
Attorney Docket No: **13102.0017USI3** :

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 23, 2008.

The petition is **GRANTED**.

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

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

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

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

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

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

MAILED
SEP 30 2010
OFFICE OF PETITIONS

In re Application of	:	
PAJOUHESH, Hassan et al.	:	
Application No. 12/042,277	:	DECISION ON PETITION
Filed: March 04, 2008	:	TO WITHDRAW
Attorney Docket No. **381092002800**	:	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 03, 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.

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: **NEUROMED PHARMACEUTICALS, LTD.**
2389 HEALTH SCIENCES MAIL, UBC
SUITE 301
VANCOUVER BC V6T 1Z4

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Apple c/o Morrison & Foerster, LLP, LA
555 West Fifth Street Suite 3500
Suite 200
Los Angeles, CA 90013-1024

MAILED
MAY 19 2011
OFFICE OF PETITIONS

In re Application of	:	
Wayne Carl Westerman et al.	:	
Application No. 12/042,313	:	DECISION ON PETITION
Filed: March 4, 2008	:	TO WITHDRAW
Attorney Docket No. 106842015800	:	FROM RECORD
	:	

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

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP, has been revoked by the assignee of the patent application on May 5, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Morgan Lewis & Bockius, LLP/AI
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto, CA 94306

Docket No.: P6160US1[106842019300]
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jason Clay BEAVER et al.

Application No.: 12/042,318

Confirmation No.: 3148

Filed: March 4, 2008

Art Unit: 2194

For: TOUCH EVENT MODEL

Examiner: Hyung Sub Sough

PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102

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

Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Fed. Reg. 36063 (June 24, 2010), Applicants request that this application ("'318 application") be accorded special status for examination.

The conditions of Project Exchange are satisfied in connection with this request as follows:

- Special status is being sought for the '318 application based on the express abandonment of copending U.S. Patent Application No. 12/135,927 ("'927 application"), filed June 9, 2008, and entitled "FRAMEWORK AND METHODS FOR PROVIDING COMMUNICATION SERVICES TO CLIENT APPLICATIONS." A copy of a Letter of Express Abandonment that is being concurrently filed in the '927 application is attached in the Appendix;[1]

[1] This petition is submitted under the assumption that the conditions of Project Exchange can be met in connection with this request. Should the Office determine that the conditions of Project Exchange cannot be met in connection with this request (e.g., due to the 10,000-application limit having been reached), please disregard this Petition and notify the undersigned.

- The '318 application and the '927 application are commonly owned by Apple Inc., a California corporation with a place of business at 1 Infinite Loop, Cupertino, California 95014;
- Applicants have not filed petitions in more than fourteen other applications requesting special status under Project Exchange; and
- Applicants agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the '318 application are directed to two or more independent and distinct inventions.

Although the fee for this petition is waived under Project Exchange, the Commissioner is authorized to charge any fee due in connection with this filing to Deposit Account No. 03-1952 referencing docket no. 106842802900.

Dated: 10/1/10

Respectfully submitted,

APPLE INC.

By_____

Brett Alten
Registration No.: 42,258
Attorney of Record
Customer No. 69753
(408) 974-6524

Attachment

APPENDIX

Docket No.: 18962-0122001/P5459US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Peter WESTEN

Application No.: 12/135,927

Confirmation No.: 4648

Filed: June 9, 2008

Art Unit: 2194

For: FRAMEWORK AND METHODS FOR PROVIDING COMMUNICATION SERVICES TO CLIENT APPLICATIONS

Examiner: Hyung Sub Sough

WRITTEN DECLARATION OF EXPRESS ABANDONMENT

PURSUANT TO 37 CFR 1.138(a) IN EXCHANGE FOR

SPECIAL STATUS IN U.S. PATENT APPLICATION NO. 12/042,318

Mail Stop EXPRESS ABANDONMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Fed. Reg. 36063 (June 24, 2010), Applicant requests that this application ("'927 application") be expressly abandoned as of the filing date of this paper.

The conditions of Project Exchange are satisfied in connection with this request as follows:

- the '927 application is being expressly abandoned in exchange for special status being accorded for U.S. Patent Application No. 12/042,318 ("'318 application"), filed

March 4, 2008, and entitled "TOUCH EVENT MODEL." A Petition to Make Special under 37 CFR 1.102 is being filed concurrently herewith in the '318 application;[1]

- Applicant has not and will not file an application that claims the benefit of the '927 application under any provision of title 35, United States Code;
- Applicant agrees not to request a refund of any fees paid in the '927 application; and
- Applicant has not and will not file a new application that claims the same invention claimed in the '927 application (the phrase "same invention" having the same meaning as used in the context of statutory double patenting under 35 USC 101).

Although no fee is believed due for this petition, the Commissioner is authorized to charge any fee due in connection with this filing to Deposit Account No. 03-1952 referencing docket no. 106842802900.

Dated: 10/1/10

Respectfully submitted,

APPLE INC.

By _____

Brett Alten
Registration No.: 42,258
Attorney of Record
Customer No. 26183
(408) 974-6524

[1] This declaration is submitted under the assumption that the conditions of Project Exchange can be met in connection with this request. Should the Office determine that the conditions of Project Exchange cannot be met in connection with this request (e.g., due to the 10,000-application limit having been reached), please disregard this declaration and notify the undersigned.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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OCT 29 2010

OFFICE OF PETITIONS

APPLE c/o MOFO LA
555 WEST FIFTH STREET SUITE 3500
SUITE 200
LOS ANGELES CA 90013-1024

In re Application of	:	
BEAVER, et al.	:	DECISION ON PETITION
Application No. 12/042,318	:	TO MAKE SPECIAL
Filed: March 4, 2008	:	37 CFR 1.102
Attorney Docket No. **106842019300**	:	

This is a decision on the petition under 37 CFR 1.102, filed October 5, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the

expressly abandoned application under any provision of title 35, United States Code, and

c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

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

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.

Brian W. Brown
Petitions Examiner
Office of Petitions

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APPLE C/O MORRISON & FOERSTER LLP LA
555 WEST FIFTH STREET SUITE 3500
SUITE 200
LOS ANGELES, CA 90013-1024

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MAR 23 2011

OFFICE OF PETITIONS

In re Application of	:	
Beaver et al.	:	
Application No. 12/042,318	:	DECISION ON PETITION
Filed: March 4, 2008		TO WITHDRAW FROM RECORD
Attorney Docket No. P6160US1/63266-5339-US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 11, 2011.

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

A review of the file record indicates that on March 7, 2011 the power of attorney to Apple c/o Morrison & Foerster LLP LA was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Morgan Lewis & Bockius LLP/ AI
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto CA 94306

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/042,340	03/05/2008	Feng-Yi Chang	NAUP0729USA4	3196

27765 7590 03/26/2012
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD, VA 22116

EXAMINER
VINH, LAN

ART UNIT	PAPER NUMBER
1713	

NOTIFICATION DATE	DELIVERY MODE
03/26/2012	ELECTRONIC

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

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

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

Patent.admin.uspto.Rcv@naipo.com
mis.ap.uspto@naipo.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Mailed: 3/26/12

In re application of	:	
Chang et al.	:	DECISION ON
Serial No. 12/042,340	:	PETITION
Filed: 03/05/2008	:	
For: **METHOD OF FABRICATING OPENINGS AND CONTACT HOLES**		

This is a decision on a PETITION filed September 12, 2011, 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 the documents filed on September 12, 2011 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

The images will be removed from the Official file.

/Gladys JP Corcoran/
Director, Technology Center 1700

Gladys Corcoran, Director
Technology Center 1700
Chemical and Materials Engineering

wk

NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD VA 22116

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

PAPER NO.:

DATE : **11/22/10**

TO SPE OF : ART UNIT **3764 Attn: THANH LOAN H (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **12/042368** Patent No.: **7540831**

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

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.
Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square Building (RSQ)
2800 South Randolph Street, Suite 9XXXX
Arlington, VA 22206
PALM Location 7580

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1593

Thank You for Your Assistance

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

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

Comments: /A.L./ 11/23/10

SPE

Art Unit

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GREENBERG & LIEBERMAN, LLC
2141 WISCONSIN AVE, N.W.
SUITE C-2
WASHINGTON DC 20007

MAILED
AUG 18 2011
OFFICE OF PETITIONS

In re Application of
Steven B. Hill
Application No. 12/042,371
Filed: 03/05/2008
Attorney Docket No. 4547-2

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 19, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed February 19, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 20, 2009. A Notice of Abandonment was mailed on September 17, 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, and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 3612 for appropriate action by the Examiner on the reply received on July 19, 2011.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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EDWARD M. LIVINGSTON, PA
963 TRAIL TERRACE DRIVE
NAPLES FL 34103

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of

Schneider :

Application No. 12/042,383

: DECISION ON PETITION

Filed: March 5, 2008

:

Attorney Docket No. **07-6987**

This is a decision on the petition under 37 CFR 1.137(b), filed March 17, 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 October 5, 2009, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on January 6, 2010. A Notice of Abandonment was mailed April 13, 2010.

The amendment filed March 17, 2011, is noted.

The application is being forwarded to Technology Center 3600, GAU 3636 for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS TX 75201-4761

In re Application of	:	
William P. Bergeron, Jr.	:	
Application No. 12/042,442	:	DECISION ON PETITION
Filed: March 5, 2008	:	TO WITHDRAW
Attorney Docket No. 131971-1001	:	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 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 Michael W. Dubner on behalf of all attorneys/agents associated with customer number 32914. All attorneys/agents associated with customer number 32914 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
Petitions Examiner
Office of Petitions

cc: William P. Bergeron
3644 Eden Drive
Dallas, TX 75287

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/042,442	03/05/2008	William P. Bergeron JR.	131971-1001

CONFIRMATION NO. 3378

POWER OF ATTORNEY NOTICE

OC000000049905190

32914
GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS, TX 75201-4761

Date Mailed: 09/19/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/03/2011.

- 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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DEWEY & LEBOEUF LLP
1101 NEW YORK AVENUE, NW
WASHINGTON, DC 20005

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NOV 08 2011
OFFICE OF PETITIONS

In re Application of :
Rel S. AMBROZY, et al. :
Application No. 12/042,528 :
Filed: March 5, 2008 :
Attorney Docket No. 781347.684400.005000 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 24, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed April 13, 2011, which set a shortened statutory period for reply of three (3) months. A three (3) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on October 14, 2011.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment, Request for Continued Examination, and the $465 filing fee; (2) the petition fee of $930; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office Action of April 13, 2011 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Joanne Hama at (571) 272-2911 or in her absence, the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 1775 for appropriate action on the concurrently filed amendment.

David Bucci
Petitions Examiner, Office of Petitions

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Thomas F. Bergert
c/o WILLIAMS MULLEN IP docketing
222 CENTRAL PARK AVENUE
SUITE 1700
VIRGINIA BEACH VA 23462

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Kevin L. Higgins, Sr. et al.	:	
Application No. 12/042,555	:	DECISION ON PETITION
Filed: March 5, 2008	:	TO WITHDRAW
Attorney Docket No. 033291.0018	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 15, 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 no proper forwarding address was provided. The request to change the correspondence address should be that of the: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment must be submitted with a renewed request. The most current address of the inventor/assignee is needed.

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

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	12042556
Filing Date	05-Mar-2008
First Named Inventor	Michael Cao
Art Unit	3739
Examiner Name	LEE COHEN
Attorney Docket Number	55115100.00022
Title	Disposable Apparatus for Patient Grounding

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 34802

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	Michael Knox Vascular Technologies, Inc.
Address	405 CENTRAL AVENUE, SUITE 100
City	CLEARWATER
State	FL
Postal Code	33701
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Woodrow H. Pollack/
Name	Woodrow H. Pollack
Registration Number	58908

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Decision Date : October 21,2011

In re Application of :

Michael Cao

Application No : 12042556

Filed : 05-Mar-2008

Attorney Docket No : 55115100.00022

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 21,2011

The request is **APPROVED.**

The request was signed by Woodrow H. Pollack (registration no. 58908) on behalf of all attorneys/agents associated with Customer Number 34802 . All attorneys/agents associated with Cusotmer Number 34802 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	Michael Knox
Name2	Vascular Technologies, Inc.
Address 1	405 CENTRAL AVENUE, SUITE 100
Address 2	
City	CLEARWATER
State	FL
Postal Code	33701
Country	US

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

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

Office of Petitions

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

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MAY 13 2011

OFFICE OF PETITIONS

In re Application of	:	
Joe Jess Estrada	:	
Application Number: 12/042,647	:	DECISION ON PETITION
Filing Date: 03/05/2008	:	
Attorney Docket Number: 013913-000400US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on March 30, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on November 21, 2010, for failure to timely file a proper reply to the final Office action mailed on August 20, 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. On October 6, 2010, an amendment after final rejection was filed. However, on October 18, 2010, an Advisory Action Before the Filing of an Appeal Brief was mailed, stating that the amendment did not place the application in condition for allowance. A Notice of Abandonment was mailed on March 16, 2011.

Receipt of the Request for Continued Examination and submission under 37 CFR 1.114 filed on March 30, 2011, is acknowledged.

The statement contained in the instant petition does not set forth that the entire delay from the due date of the required reply to the date of the filing of a grantable petition was unintentional as required by 37 CFR 1.137(b)(3). However, the statement contained in the instant petition is being so construed. Petitioner **must** notify the Office if this is not a correct interpretation.

The application is referred to Technology Center 1781 for further processing.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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SCHWABE WILLIAMSON & WYATT
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND OR 97204

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AUG 27 2010
OFFICE OF PETITIONS

In re Application of	:	
David BROWN, et al	:	
Application No. 12/042,655	:	DECISION ON PETITION
Filed: March 5, 2008	:	TO WITHDRAW
Attorney Docket No. 115322-155522	:	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 21, 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.

In this regard, the request to withdraw from record cannot be approved because no change of address for future communications from the Office has been provided.

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.

/dcg/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: AL AUYEUNG
1420 5TH AVENUE, SUITE 3400
SEATTLE, WA 98101

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PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND OR 97204

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OFFICE OF PETITIONS

In re Application of
David BROWN, et al
Application No. 12/042,655
Filed: March 5, 2008
Attorney Docket No. 115322-155522

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 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 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 Jo Ann Schmidt on behalf of the attorneys of record associated with Customer No.25943.

The attorneys of record associated with Customer No.25943 have been withdrawn.

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

The correspondence address for future communications from the Office has been changed and the new correspondence address is indicated below.

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 : DAVID BROWN
6 PYMS GARDENS
ABBOTSLEY, CAMBRIDGESHIRE PE196UT
UNITED KINGDOM

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	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/042,655	03/05/2008	David Brown	115322-155522

CONFIRMATION NO. 3772

POWER OF ATTORNEY NOTICE

25943
Schwabe Williamson & Wyatt
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

OC000000044295493

Date Mailed: 11/01/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/18/2010.

- 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.

/dcgoodwyn/

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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Alexandria, VA 22313-1450
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Womble Carlyle Sandridge & Rice PLLC
Targacept
Attention: IP Docketing
PO Box 7037
Atlanta GA 30357

MAILED

MAR 09 2011

OFFICE OF PETITIONS

In re Application of	:	
BHATTI et al.	:	
Application No. 12/042,778	:	DECISION ON APPLICATION
Filed: 03/05/2008	:	FOR
Atty Docket No. T103 1530.4	:	PATENT TERM ADJUSTMENT

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT (37 C.F.R. §§ 1.705)" filed February 7, 2011. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from three hundred thirty-six (336) days to three hundred sixty-five (365) 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 three hundred sixty-five (365) days. A copy of the updated PAIR screen, showing the corrected determination, is enclosed.

A review of the application history confirms that applicant's 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 three hundred sixty-five (365) days.

The Office acknowledges receipt 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

12/042,778	N-ARYL DIAZASPIROCYCLIC COMPOUNDS AND METHODS OF PREPARATION AND USE THEREOF	03-09-2011::13:43:48

Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 12/042,778

Filing or 371(c) Date:	03-05-2008	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	365
A Delays:	365	PTO Manual Adjustments:	26
B Delays:	0	Applicant Delays:	26
C Delays:	0	Total PTA Adjustments:	365

Patent Term Adjustment History **Explanation Of Calculations**

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
44	03-09-2011	Adjustment of PTA Calculation by PTO	26		0
36	12-10-2010	Mail Notice of Allowance			0
35	12-08-2010	Document Verification			0
34	12-08-2010	Notice of Allowance Data Verification Completed			0
33	12-08-2010	Case Docketed to Examiner in GAU			0
32	12-06-2010	Examiner's Amendment Communication			0
31	12-06-2010	Allowability Notice			0
28	11-09-2010	Date Forwarded to Examiner			0
27	09-20-2010	Response after Non-Final Action			0
26	10-16-2010	Paralegal TD Accepted			0
25	10-16-2010	Paralegal TD Accepted			0
24	10-16-2010	Terminal Disclaimer Filed		26	27
23	10-16-2010	Terminal Disclaimer Filed			0
22	07-16-2010	Mail Non-Final Rejection			0
21	07-15-2010	Non-Final Rejection			0
20	03-05-2008	Information Disclosure Statement considered			0
19	06-06-2010	Date Forwarded to Examiner			0
18	06-03-2010	Response to Election / Restriction Filed			0

17	05-05-2010	Mail Restriction Requirement	365	0.5
16	05-04-2010	Restriction/Election Requirement		0
15	04-19-2010	Correspondence Address Change		0
14	09-04-2008	PG-Pub Issue Notification		0
13	08-21-2008	Case Docketed to Examiner in GAU		0
12	07-16-2008	IFW TSS Processing by Tech Center Complete		0
11	03-05-2008	Reference capture on IDS		0
10	03-05-2008	Information Disclosure Statement (IDS) Filed		0
9	06-19-2008	Application Dispatched from OIPE		0
8	03-19-2008	Sent to Classification Contractor		0
7	03-19-2008	Filing Receipt		0
6	03-19-2008	Application Is Now Complete		0
4	03-10-2008	Cleared by OIPE CSR		0
3	03-08-2008	IFW Scan & PACR Auto Security Review		0
2	03-05-2008	Information Disclosure Statement (IDS) Filed		0
1	03-05-2008	Initial Exam Team nn		0
0.5	03-05-2008	Filing date		0

Close Window

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1400 CRESCENT GREEN
SUITE 300
CARY NC 27518

MAILED
JAN 07 2011
OFFICE OF PETITIONS

In re Application of	:	
Hokenmaier et al.	:	DECISION ON PETITION
Application No. 12/042,785	:	TO WITHDRAW
Filed: March 5, 2008	:	FROM RECORD
Attorney Docket No. 6434-075	:	

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

The request is **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. Although the appropriate box was checked on the request form, the Customer Number was not provided. Accordingly, the request cannot be approved at this time.

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

There is an outstanding Office action mailed November 3, 2010 which 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
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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MAR 22 2012

OFFICE OF PETITIONS

In re Application of	:	
Touboul	:	
Application No. 12/042,938	:	DECISION ON PETITION
Filed: March 5, 2008	:	
Attorney Docket No. 18EL-137581	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 5, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned August 25, 2011 for failure to timely submit a proper reply to the non-final Office action mailed May 24, 2011. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed December 11, 2011.

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

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

This application is being referred to Technology Center AU 2435 for appropriate action by the Examiner.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

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JUN 28 2011
OFFICE OF PETITIONS

IBM MICROELECTRONICS
INTELLECTUAL PROPERTY LAW
1000 RIVER STREET
972 E
ESSEX JUNCTION, VT 05452

In re Application of	:	
Tobias Gemmeke et al	:	
Application No. 12/042,944	:	ON PETITION
Filed: March 5, 2008	:	
Attorney Docket No. DE920060099US1	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 1, 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 To File Corrected Application Papers (Notice) mailed February 8, 2011. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on April 9, 2011.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

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LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

MAILED
AUG 20 2010
OFFICE OF PETITIONS

In re Application of :
Zhu, et al. :
Application No. 12/042,952 : DECISION ON PETITION
Filed: March 5, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. HW702624 : 37 CFR 1.102
:

This is a decision on the petition under 37 CFR 1.102 filed July 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).

Any request for reconsideration of this decision should include a cover letter entitled "Renewed Petition under 37 CFR 1.102." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009, in which the applicant has established small entity status under 37 CFR 1.27;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

b) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The petition lacks item(s) (1) and (4) above.

As to item (1), a review of the record did not reveal that applicant has established small entity status under 37 CFR 1.27 in the above-identified application for which special status is sought under 37 CFR 1.102. Such is a requirement for a successful petition under 37 CFR 1.102 to make this application special under the Patent Application Backlog Reduction Stimulus Plan. If appropriate, applicant may establish small entity status under 37 CFR 1.27 in the above-identified application and file a renewed petition under 37 CFR 1.102 to make this application special under the Patent Application Backlog Reduction Stimulus Plan.

As to item (4), a review of the record of the subject application and application serial number 11/622,134 reveals that no statement accompanied the petition or letter of express abandonment indicating 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. The renewed petition must be accompanied by this statement.

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

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

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

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at 571-272-3222.

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

The application is being forwarded to the Technology Center Art Unit 2461 for action in its regular turn.

Chris Bottorff
Supervisor
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 12/042,952

Confirmation No. 4350

Applicant: ZHU et al.

Filed: March 5, 2008

TC/AU: 2461

Examiner: VU, Huy Duy

Docket No.: HW702624

Customer No.: 77399

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

RENEWED PETITION FOR SPECIAL STATUS UNDER 37 C.F.R. §1.102 FILED IN CONNECTION WITH A LETTER OF EXPRESS ABANDONMENT UNDER 37 C.F.R. §1.138(A) AS REQUIRED UNDER THE BACKLOG REDUCTION STIMULUS PLAN

Sir:

Per a conversation on August 26, 2010, with Chris Bottoroff, Supervisor in the Office of Petitions, the Decision on Petition for Special Status mailed August 20, 2010, from the Office of Petitions in the above-referenced application should be withdrawn. The Decision on Petition alleges that conditions 1 and 4 of the Backlog Reduction Stimulus Plan were not satisfied. Applicant argues that the conditions are satisfied and the dismissal of the Decision on Petition is therefore improper.

Condition 1 of the Decision on Petition alleges that "[the] application for which special status is sought is a non-provisional application that has an actual filing date earlier than October 1, 2009, in which the applicant has established small entity status under 37 CFR 1.27." 75 Federal Register 36063 reversed this condition thereby allowing large entity applicants to participate in the Backlog Reduction Stimulus Plan, effective on June 24, 2010.

As the Petition for Special Status in the present application was filed after June 24, 2010, the condition is satisfied and the dismissal in view of condition 1 is therefore improper.

Condition 4(a) of the Decision on Petition alleges that the applicant failed to include "with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code ..." A copy of the Express Abandonment Statement filed in U.S. Patent Application No. 11/622,134 on July 22, 2010 is submitted herewith. Paragraph V(a) of the Express Abandonment Statement reads "[a]pplicants submit and affirm that Applicants have not and will not file a new application that claims this same invention under any provision of Title 35 U.S.C." Applicants believe condition 4(a) for the Decision on Petition is satisfied and that the dismissal of the Petition for Special Status in view of condition 4(a) is improper.

In view of the satisfaction of conditions 1 and 4(a) of the Decision on Petition to Make Special, Applicants respectfully request the Office of Petitions withdraw the dismissal of the Decision and issue a granted Decision on Petition to Make Special.

If any fees are owed in connection with this communication, please charge Deposit Account No. 12-1216.

Respectfully submitted,

John B. Conklin, Reg. No. 30,369
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6731
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: September 8, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

In re Application of	:	
Zhu, et al.	:	
Application No. 12/042,952	:	DECISION ON PETITION
Filed: March 5, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. HW702624	:	37 CFR 1.102
	:	

This is a decision on the petition under 37 CFR 1.102 filed September 9, 2010, the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the

expressly abandoned application under any provision of title 35, United States Code, and

b) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Kenya A. McLaughlin, Petitions Attorney at 571-272-3222.

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

The application is being forwarded to the Technology Center Art Unit 2461 for action on the merits commensurate with this decision.

Chris Bottorff
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP
1800 West Park Drive, Suite 400
WESTBOROUGH MA 01581-3926

MAILED
AUG 24 2011
OFFICE OF PETITIONS

In re Application of	:	
Srivats Srinivasachar	:	
Application No. 12/042,962	:	ON PETITION
Filed: March 5, 2008	:	
Attorney Docket No. 21311-00004	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the final Office action mailed, January 20, 2011, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 21, 2011. A Notice of Abandonment was mailed on August 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 a RCE (Request for Continued Examination, with the required fee of $405, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

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

This application is being referred to Technology Center AU 1776 for appropriate action by the Examiner in the normal course of business on the reply received August 12, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/043,025	03/05/2008	Eran Steinberg	FN-169-US	4508

7590 06/27/2011

Tessera/FotoNation
Patent Legal Dept.
3025 Orchard Parkway
San Jose, CA 95134

EXAMINER
RAHMJOO, MANUCHER

ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
06/27/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

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

FORM PTOM327-5 (Rev. 02/08)

UNITED STATES PATENT AND TRADEMARK OFFICE

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June 26, 2011

Tessera/FotoNation
Patent Legal Dept.
3025 Orchard Parkway
San Jose CA 95134

In re Application of	:	
Eran Steinberg et al.	:	**DECISION ON PETITION**
Application No. 12043025	:	
Filed: 03/05/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **FN-169-US**	:	***DRAWINGS***

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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HOUSTON OFFICE OF
NOVAK DRUCE AND QUIGG LLP
1000 LOUISIANA STREET
FIFTY-THIRD FLOOR
HOUSTON TX 77002

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of	:	
CRUMPTON, Samuel O.	:	
Application No. 12/043,060	:	DECISION ON PETITION
Filed: March 05, 2008	:	TO WITHDRAW
Attorney Docket No. 8191.002.NPUS00	:	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 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 no correspondence address was provided.

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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P.O. Box 1450
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HOUSTON OFFICE OF
NOVAK DRUCE AND QUIGG LLP
1000 LOUISIANA STREET
FIFTY-THIRD FLOOR
HOUSTON TX 77002

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DEC 28 2010

OFFICE OF PETITIONS

In re Application of	:	
CRUMPTON, Samuel O.	:	
Application No. 12/043,060	:	DECISION ON PETITION
Filed: March 05, 2008	:	TO WITHDRAW
Attorney Docket No. 8191.002.NPUS00	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 09, 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 Tracy Druce on behalf of all attorneys of record who are associated with customer No. 68769. All attorneys/agents associated with the Customer Number 68769 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Samuel Crumpton at the address indicated below There is an outstanding Office action mailed December 21, 2010 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: **SAMUEL CRUMPTON**
21622 MISTY FALL LANE
KATY TX 77449

UNITED STATES PATENT AND TRADEMARK OFFICE

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XILINX, INC
ATTN: LEGAL DEPARTMENT
2100 LOGIC DR
SAN JOSE CA 95124

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MAR 08 2011
OFFICE OF PETITIONS

In Re application of
Tim Tuan et al.
Application No. 12/043,096
Filed: March 5, 2008
Attorney Docket No. X-2740 US

ON PETITION

This is a decision on the petition under 37 CFR 1.59(b), filed December 16, 2010 to expunge information from the above identified application.

The petition is **granted**.

Petitioner requests that the response filed December 3, 2010 (EFS ID 8967838) be expunged from the record. Petitioner states that the information submitted was erroneously filed in the instant application.

The information in question has been determined by the undersigned to not be material to the examination of the instant application. The information was clearly intended to be filed in an unrelated application.

The expunged material has been removed from the official file.

In accordance with MPEP 724.05(III), no petition is needed since the papers in question were clearly identified for a different application. Therefore, the petition fee is refunded to petitioner's deposit account.

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

Carl Friedman
Petitions Examiner
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: 81171145	Application Number (if known): 12043181	Filing date: March 6, 2008
First Named Inventor: Al Henry Berger		
Title: Variable Displacement Engine Operation With NVH Management		

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: _____

Signature /David S. Bir/	Date 03-02-2011
Name (Print/Typed) David S. Bir	Registration Number 38383

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

☐ *Total of ..... forms are submitted.

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

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

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

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

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (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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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/043,181	03/06/2008	Al Henry Berger	81171145	4834

46535 7590 03/18/2011
BROOKS KUSHMAN P.C./FGTL/DSB
1000 Town Center
Twenty-Second Floor
Southfield, MI 48075

EXAMINER
LI, CE LI

ART UNIT	PAPER NUMBER
3661	

MAIL DATE	DELIVERY MODE
03/18/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 1 8 2011

BROOKS KUSHMAN P.C./FGTL/DSB
1000 Town Center
Twenty-Second Floor
Southfield MI 48075

In re Application of	:	
Al BERGER et al.	:	DECISION ON PETITION
Application No. 12/043,181	:	TO MAKE SPECIAL UNDER
Filed: March 6, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81171145	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on March 2, 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 Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3661 for action on the merits commensurate with this decision.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/043,295	03/06/2008	Fumihiko TOKURA	081298	5038

7590 09/02/2010
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER
EVANS, GEOFFREY S

ART UNIT	PAPER NUMBER
3742	

NOTIFICATION DATE	DELIVERY MODE
09/02/2010	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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

09/01/2010 [illegible]

Credit Card Refund Totals [illegible]

Adjustment date: 09/01/2010 NFARMER
03/06/2008 INTEFSW 00006994 12043295
02 FC:1111 -510.00 OP
04 FC:1201 -420.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

MAILED
JAN 18 2012
OFFICE OF PETITIONS

In re Application of :
Kang :
Application No. 12/043,314 : ON PETITION
Filed: March 6, 2008 :
Attorney Docket No. CU-6404 WWP :
For: SEMICONDUCTOR PACKAGE HAVING AN IMPROVED CONNECTION STRUCTURE AND METHOD FOR MANUFACTURING THE SAME

This is a decision on the petition under 37 CFR 1.137(b), filed December 19, 2011, to revive the above-identified application.

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

This application became abandoned for failure to timely reply to the final Office action, mailed February 11, 2011, which set a three month period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a), this application became abandoned on May 12, 2011. A Notice of Abandonment was mailed on August 22, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a divisional application under 37 CFR 1.53(b); (2) the petition fee of $1860.00; and (3) a proper statement of unintentional delay.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of divisional Application No. 13/329,937, filed December 19, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/043,329	03/06/2008	Akira Iguchi	ITOH1130	5099

7590 02/16/2011
Sprinkle IP Law Group
1301 W. 25th Street
Suite 408
Austin, TX 78705

EXAMINER
AN, MENG AI T

ART UNIT	PAPER NUMBER
2195	

MAIL DATE	DELIVERY MODE
02/16/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

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www.uspto.gov

MAILED

JUN 17 2011

OFFICE OF PETITIONS

**TOWNSEND AND TOWNSEND AND CREW LLP/
PULMONX 07534
TWO EMBARCADERO CENTER,
EIGHT FLOOR
SAN FRANCISCO CA 94111-3834**

In re Application of	:	
QUE, et al	:	
Application No. 12/043,404	:	DECISION ON PETITION
Filed: March 6, 2008	:	TO WITHDRAW
Attorney Docket No. 017534-004510US	:	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 5, 2011.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The 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 the acts noted above at items (1) - (3) have been performed.

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

Accordingly, the request to withdraw from record cannot be approved because the request does not include the current correspondence address of a law firm or practitioner who has filed a proper power of attorney.

Future submissions should include an acceptable reason as described in 37 CFR 10.40. Please visit www.uspto.gov to review the updated Request for Withdrawal As Attorney or Agent (PTO/SB/83) form.

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

PRINTER RUSH

(PTO ASSISTANCE)

Application:	12043450	**Examiner:**	Shiao	**GAU:**	1628
From:	Kevin Danemark	**Location:**	IDC	**Creation Date:**	03/07/2011

Tracking #: Week Date: 01/24/2011

DOC CODE	DOC DATE	MISCELLANEOUS
[ ] 1449		[ ] Continuing Data
[ ] IDS		[ ] Foreign Priority
[X] CLM	12/28/2010	[ ] Document Legibility
[ ] IIFW/FWCLM		[ ] Fees
[ ] SRFW		[ ] Other
[ ] DRW		
[ ] OATH		
[ ] 312		
[ ] SPEC		

[RUSH] Message:

After examiner's amendment (NOA, 1/25/2011) is appliec to claim 19, page 14, lines 8-9.
Claim 19 appears to be incomplete. It ends with " -S(O)2-,"

please resolve
thank you

[XRUSH] Response:

It shall end with "-S(O)2-."

Initials: R.S.

Examiner: PUBS contacts - for DESIGNS: Don Fairchild, 703-756-1566; for ALL OTHER files: Bernadette Queen, 703-756-1565.
NOTE: This form will be included as part of the official USPTO record with the response document coded as XRUSH.
REV: Sep 10

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/043,520	03/06/2008	Motoyuki Dohya	1924.79468	5455

7590 11/04/2010

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER
BLOUIN, MARK S

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

FORM PET651G (Rev. 08/07)

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APR 14 2011

OFFICE OF PETITIONS

GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
53 STATE STREET
BOSTON, MA 02109-2881

In re Application of	:	
John M. Hughes	:	
Application No. 12/043,556	:	DECISION ON PETITION
Filed: March 6, 2008	:	
Attorney Docket No. TOP-014	:	

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

A review of the record discloses that a final Office action was mailed on July 22, 2010. On January 21, 2011, applicant filed, *inter alia*, a Request for Continued Examination with an appropriate 3-month petition for extension of time. However, on January 26, 2011, a Notice of Improper Request for Continued Examination (RCE) was mailed, stating that the request was not proper since it was not accompanied by the fee required by 37 CFR 1.114. On February 3, 2011, a Notice of Abandonment was mailed. In response on February 14, 2011, the present petition was filed, wherein petitioner argues that the abandonment should be withdrawn.

Petitioner states that the response filed on January 21, 2011 included $1,110 for the extension fee and $1,090 for the RCE. Petitioner explains the $1,090 fees intended for the RCE were listed on the fee worksheet as filing fee of $330, search fee $540 and examination fee of $220. In support petitioner submits a copy of the Electronic Acknowledgement Receipt showing payment of $2,200 in fee with the filing of the RCE.

Since it is now clear that petitioner intended to pay the requisite RCE filing fee on January 21, 2011, the filing fee of $330, search fee $540 and examination fee of $220 have been credited to counsel's credit card and the requisite RCE filing fee of the $810 RCE has been charged.

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

The Notice of Abandonment mailed February 3, 2011 is hereby vacated.

This application is being referred to Technology Center AU 3629 for further 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.

/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

GRAY ROBINSON
ATTN: STEFAN V. STEIN/ IP DEPT.
201 N. FRANKLIN STREET, SUITE 2200
POST OFFICE BOX 3324
TAMPA FL 33601-3324

MAILED
JUL 22 2011
OFFICE OF PETITIONS

In re Application of	:	
Waldemar F. Kissel, Jr.	:	
Application No. 12/043,572	:	DECISION ON PETITION
Filed: March 6, 2008	:	
Attorney Docket No. 55098664.00006	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 5, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before July 1, 2011, as required by the Notice of Allowance and Fee(s) Due mailed April 1, 2011. Accordingly, the date of abandonment of this application is July 5, 2011. A Notice of Abandonment was mailed July 13, 2011.

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

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

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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REED SMITH LLP
P.O. BOX 488
PITTSBURGH PA 15230-0488

MAILED

JAN 31 2012

OFFICE OF PETITIONS

In re Application of	:	
GEORGE DEWITT STETTEN	:	
Application No. 12/043,624	:	DECISION DISMISSING PETITION
Filed: March 6, 2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 00-379-US-P4	:	

This is a decision on the "PETITION TO ACCEPT UNINTENTIONALLY DELAYED DOMESTIC PRIORITY CLAIM PURSUANT TO 37 C.F.R. §1.78(a)(3) and (6)", filed January 24, 2012, which is properly treated as a petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed nonprovisional Application No. 10/126,453.[1]

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[1] It appears that petitioner is requesting acceptance of the following benefit claim: This application claims the benefit of provisional Application No. 60/893,245, filed March 6, 2007, and is a continuation-in-part of Application No. 10/126,453, filed April 19, 2002, now U.S. Patent No. 7,559,895, issued July 14, 2009. It does not appear that petitioner wishes to claim the benefit of prior-filed nonprovisional Application No. 09/686,677 or provisional Application No. 60/216,860 because they were not included in the reference submitted in the petition. The Office notes:

> The reference to the prior applications must identify all of the prior applications and indicate the relationship (i.e., continuation, divisional, or continuation-in-part) between each nonprovisional application in order to establish copendency throughout the entire chain of prior applications. Appropriate references must be made in each intermediate application in the chain of prior applications. If an applicant desires, for example, the following benefit claim: "this application is a continuation of Application No. C, filed ---, which is a continuation of Application No. B, filed ---, which claims the benefit of provisional Application No. A, filed---," then Application No. C must have a reference to Application No. B and provisional Application No. A, and Application No. B must have a reference to provisional Application No. A.

MPEP 201.11(III)(C).

The petition is **DISMISSED**.

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.

The present petition lacks items (1) above.

The amendment as drafted is unacceptable, and therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i). In this regard, the amendment is physically part of the petition and as such does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim under 35 U.S.C. 120), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper because different matters may be considered by different branches of the United States Patent and Trademark Office.

Accordingly, petitioner must file a renewed petition under 37 CFR 1.78(a)(3), accompanied by either a supplemental Application Data Sheet or an amendment to the first line of the specification. The Office notes that 37 CFR 1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 CFR 1.27(c)(2)(ii), filed in an application must be signed by an appropriate party. Therefore, a supplemental Application Data Sheet or an amendment submitted after the filing of an application must be signed in accordance with 37 CFR 1.33(b). No additional petition fee is required for filing a renewed petition under 37 CFR 1.78(a)(3).

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

Correspondence may also be submitted via EFS-Web.

Any questions concerning this matter may 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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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REED SMITH LLP
P.O. BOX 488
PITTSBURGH PA 15230-0488

MAILED
FEB 14 2012
OFFICE OF PETITIONS

In re Application of
GEORGE DEWITT STETTEN
Application No. 12/043,624
Filed: March 6, 2008
Attorney Docket No. 00-379-US-P4

DECISION DISMISSING PETITION
UNDER 37 CFR 1.78(a)(3)

This is a decision on the "RENEWED PETITION TO ACCEPT UNINTENTIONALLY DELAYED DOMESTIC PRIORITY CLAIM PURSUANT TO 37 C.F.R. §1.78(a)(3) and (6)", filed February 8, 2012, which is properly treated as a petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed Application No. 10/126,453 and Application No. 09/686,677.

The petition is **DISMISSED**.

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.

The present petition lacks items (1) above.

It is noted that the petitioners filed a petition under 37 CFR 1.78(a)(3) in prior-filed Application No. 10/126,453 on February 10, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed nonprovisional Application No. 09/686,677, which was dismissed. A decision granting the petition under 37 CFR 1.78(a)(3) in Application No. 10/126,453 is a pre-requisite for a decision on any renewed petition filed in the present Application No. 12/043,624.

Upon the receiving a decision granting a renewed petition under 37 CFR 1.78(a)(3) in Application No. 10/126,453, petitioners may file a renewed petition under 37 CFR 1.78(a)(3) in this application. As petitioners previously submitted an amendment to the specification to add the benefit claim and paid the petition fee, no further amendment or fee is required upon the filing of a renewed petition.

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
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Correspondence may also be submitted via EFS-Web.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3211.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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REED SMITH LLP
P.O. BOX 488
PITTSBURGH PA 15230-0488

MAILED
FEB 27 2012
OFFICE OF PETITIONS

In re Application of
GEORGE DEWITT STETTEN
Application No. 12/043,624
Filed: March 6, 2008
Attorney Docket No. 00-379-US-P4

DECISION DISMISSING PETITION
UNDER 37 CFR 1.78(a)(3)

This is a decision on the "RENEWED PETITION TO ACCEPT UNINTENTIONALLY DELAYED DOMESTIC PRIORITY CLAIM PURSUANT TO 37 C.F.R. §1.78(a)(3) and (6)", filed February 22, 2012, which is properly treated as a petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed Application No. 10/126,453 and Application No. 09/686,677.

The petition is **DISMISSED**.

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.

The present petition lacks items (1) above.

It is noted that the petitioners filed a renewed petition under 37 CFR 1.78(a)(3) in prior-filed Application No. 10/126,453 on February 22, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed nonprovisional Application No. 09/686,677, which was dismissed. A decision granting the petition under 37 CFR 1.78(a)(3) in Application No. 10/126,453 is a pre-requisite for a decision on any renewed petition filed in the present Application No. 12/043,624.

Upon the receiving a decision granting a renewed petition under 37 CFR 1.78(a)(3) in Application No. 10/126,453, petitioners may file a renewed petition under 37 CFR 1.78(a)(3) in this application. As petitioners previously submitted an amendment to the specification to add the benefit claim and paid the petition fee, no further amendment or fee is required upon the filing of a renewed petition.

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

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

Correspondence may also be submitted via EFS-Web.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3211.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PITTSBURGH PA 15230-0488

MAILED
MAR 01 2012
OFFICE OF PETITIONS

In re Application of	:	
GEORGE DEWITT STETTEN	:	
Application No. 12/043,624	:	DECISION GRANTING PETITION
Filed: March 6, 2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 00-379-US-P4	:	

This is a decision on the "RENEWED PETITION TO ACCEPT UNINTENTIONALLY DELAYED DOMESTIC PRIORITY CLAIM PURSUANT TO 37 C.F.R. §1.78(a)(3) and (6)", filed February 27, 2012, which is properly treated as a petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed Application No. 10/126,453 and Application No. 09/686,677.

The renewed 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 application sunder 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 2445 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
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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
12/043,624	03/06/2008	2445	435	00-379-US-P4	20	2

CONFIRMATION NO. 5652

CORRECTED FILING RECEIPT

718
REED SMITH LLP
P.O. BOX 488
PITTSBURGH, PA 15230-0488

OC000000052841844

Date Mailed: 02/29/2012

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)

George DeWitt STETTEN, Pittsburgh, PA;

Power of Attorney: The patent practitioners associated with Customer Number 718

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/893,245 03/06/2007
and is a CIP of 10/126,453 04/19/2002 PAT 7559895
which is a CIP of 09/686,677 10/11/2000 PAT 6599247

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: 03/15/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/043,624**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

SYSTEM FOR REMOTE GUIDANCE BY EXPERT FOR IMAGING DEVICE

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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P.O. BOX 10395
CHICAGO IL 60610

MAILED

AUG 03 2011

OFFICE OF PETITIONS

In re Application of	:	
G. Robert Whiteman	:	
Application No. 12/043,716	:	DECISION ON PETITION
Filed: March 6, 2008	:	
Attorney Docket No. 10185/72	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the final Office action mailed, October 21, 2010, which set a shortened statutory period for reply of three (3) months. A one-month extension of time under the provisions of 37 CFR 1.136(a) was timely obtained. Accordingly, the application became abandoned on February 23, 2011. A Notice of Abandonment was mailed May 18, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal and fee of $270.00 (previously submitted June 3, 2011); (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 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. While a courtesy copy of this decision is being mailed to the address given on the petition, the Office will mail all future correspondence solely to the address of record.

Additionally, it is noted that petitioner has filed an Appeal Brief and $270.00 fee on July 18, 2011.

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

This matter is being referred to Technology Center AU 1653 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: LAWRENCE J.GIBNEY,Jr.
8777 SAN JOSE BLVD.
SUITE 502
JACKSONVILLE FL 32217

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1730 HOLMES STREET
BUILDING B
LIVERMORE CA 94550

MAILED
MAR 09 2012
OFFICE OF PETITIONS

In re Application of	:	
Wang et al.	:	
Application No. 12/043918	:	DECISION
Filing or 371(c) Date: 03/06/2008	:	ON PETITION
Attorney Docket Number: IDT-2266	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 28, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 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)(III)(A)(2). Applicant filed replies/amendments on November 4, 2011 and November 28, 2011, however, the replies failed to place the application in condition for allowance. Accordingly, the date of abandonment of this application is November 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; an Amendment as 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 2466 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted with the petition in accordance with 37 CFR 1.114.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110120

DATE : January 20, 2011

TO SPE OF : ART UNIT 2469

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

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

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

Thank You For Your Assistance **Certificates of Correction Branch**

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

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/IAN N MOORE/
Supervisory Patent Examiner.Art Unit 2469

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AUG 02 2010
OFFICE OF PETITIONS

ULMER & BERNE, LLP
ATTN: DIANE BELL
600 VINE STREET, SUITE 2800
CINCINNATI, OH 45202

In re Application of	:	
David W. ARNOLD	:	
Application No. 12/044,072	:	DECISION GRANTING PETITION
Filed: March 7, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **37735-291**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 30, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This application is being referred to Technology Center AU 3611 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

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

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

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KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK NY 10022-2585

MAILED

MAY 05 2011

OFFICE OF PETITIONS

In re Application of	:	
Xin Wang et al	:	
Application No. 12/044,120	:	DECISION GRANTING PETITION
Filed: March 7, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. FUJB 23.401 (100794-01272	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 3, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 5, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2611 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20101020

DATE : October 19, 2010

TO SPE OF : ART UNIT 3735

SUBJECT : Request for Certificate of Correction on Patent No.: 7,766,831

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

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

Thank You For Your Assistance **Certificates of Correction Branch**

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

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/Charles A Marmor, II/
Supervisory Patent Examiner.Art Unit 3735

OK TO ENTER: /C.M./

PTO/SB/44 (09-07) Approved for
use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.: 7,766,831
APPLICATION NO.: 12/044,133
ISSUE DATE: August 3, 2010
INVENTOR(S): Matthias Essenpreis et al.

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

SPECIFICATION

Column	Line	PTO	Should Read
5	13	portions (X 1,	portions (X = 1,

CLAIMS

Column	Line	PTO	Should Read
13	17	<±1 mg/dl/min	<± mg/dl/min
15	34	<±1 mg/dl/min	<± mg/dl/min
16	64	[*in the 201-240 column*] +2Y	[*in the 201-240 column*] =2Y
17	7	<±1 mg/dl/min	<± mg/dl/min

MAILING ADDRESS OF SENDER:

Dkt. No.: 190066/US

DORSEY & WHITNEY LLP
Intellectual Property Department
Suite 1500
50 South Sixth Street
Minneapolis, MN 55402-1498

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LANDO & ANASTASI, LLP
ONE MAIN STREET, SUITE 1100
CAMBRIDGE, MA 02142

MAILED

AUG 24 2010

OFFICE OF PETITIONS

In re Application of :
Neil Rasmussen et al :
Application No. 12/044,164 : ON PETITION
Filed: March 7, 2008 :
Attorney Docket No. A2000-700823

This is a decision on the petition, filed August 20, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 8, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2835 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed 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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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

MAY 25 2011

OFFICE OF PETITIONS

In re Application of :

DE VILLIERS, Malan et al. :
Application No. 12/044,175 : DECISION ON PETITION
Filed: March 07, 2008 : TO WITHDRAW
Attorney Docket No. **022031-001020US** : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 18, 2011.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

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

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

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

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

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KIRTON AND MCCONKIE
60 EAST SOUTH TEMPLE,
SUITE 1800
SALT LAKE CITY, UT 84111

MAILED

SEP 29 2010

OFFICE OF PETITIONS

In re Application of Yi-wen Lin et al. :
Application No. 12/044,198 :
Filing Date: March 7, 2008 :
Attorney Docket No. 15679.30 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.181 filed May 6, 2010, requesting the Office withdraw the holding of abandonment.

The petition is **granted**.

The Office mailed a Notice of Allowance on January 13, 2010, which required the submission of the issue fee and publication fee. The notice set a statutory period for reply of three (3) months.

The Office did not receive a reply to the Notice of Allowance. As a result, the Office mailed a Notice of Abandonment on April 28, 2010.

The instant petition requests withdrawal of the holding of abandonment based on non-receipt of the Notice of Allowance. The petition is accompanied by payment of the issue fee and publication fee.

The evidence of record is sufficient to demonstrate non-receipt of the Notice of Allowance. Therefore, the holding of abandonment is hereby withdrawn.

The Office of Data Management, Patent Publication Branch, will be informed of the instant decision and the application will be issued as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PILSBURY WINTHROP SHAW PITTMAN, LLP
P.O. Box 10500
McClean, VA 22102

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of	:	
David D. McDermott	:	
Application No. 12/044,300	:	DECISION ON PETITION
Filed: March 7, 2008	:	TO WITHDRAW
Attorney Docket No. 042709-0360649	:	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 4, 2011.

The request is **APPROVED**.

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

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

All future communications from the Office will be directed to the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed December 27, 2010 that requires a reply from the applicant.

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Mr. Andrew Rennell**
President / InWare, LLC
Suite 100
7100 E. Pleasant Valley Road
Independence OH 44131

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MICHAEL RIES
318 PARKER PLACE
OSWEGO, IL 60543

MAILED
NOV 12 2010
OFFICE OF PETITIONS

In re Application of	:	
Parish Wagner	:	
Application No. 12/044,523	:	ON PETITION
Filed: March 7, 2008	:	
Attorney Docket No. IPX08WAGN001	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 6, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 7, 2009. A Notice of Abandonment was mailed February 25, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment and corrected drawings , (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.

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

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

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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SNYDER, CLARK, LESCH & CHUNG, LLP
950 HERNDON PARKWAY, SUITE 365
HERNDON VA 20170

MAILED

SEP 20 2011

OFFICE OF PETITIONS

In re Application	:
Stefan Sorensson et al.	:
Application No. 12/044,541	: DECISION ON APPLICATION
Filed: March 7, 2008	: FOR PATENT TERM ADJUSTMENT
Attorney Docket No. PS07 2090US1	:

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT filed September 14, 2011. Applicant requests that the determination of patent term adjustment be corrected from 526 to 849 days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent in light of the recent court decision in light of the Court of Appeals for the Federal Circuit's decision in *Wyeth v. Kappos*, 2009-1120 (Fed. Cir. 1-7-2010).

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

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

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for

continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

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

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

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

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

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DEC 06 2011

OFFICE OF PETITIONS

SNYDER, CLARK, LESCH & CHUNG, LLP
950 HERNDON PARKWAY SUITE 365
HERNDON VA 20170

In re Application of	:	
Stefan Sorennson et al	:	
Application No. 12/044,541	:	DECISION ON REQUEST FOR REFUND
Filed: March 7, 2008	:	
Attorney Docket No. PS07 2090US1	:	

This is a decision on the Request For Refund filed October 27, 2011.

The request is **DISMISSED**.

The above request for refund states that "Applicants hereby request a refund of the fees paid with the request for reconsideration of the patent term adjustment indicated in the notice of allowance."

The request for refund further states that "Because the Petition was Dismissed as Premature, and therefore, not considered, Applicants request a refund of the fees paid."

37 CFR 1.26(a) states that refunds can be made only when the payment was by mistake or in excess of that required. Applicant here filed the petition and received consideration on it. Also, the fact that the petition was dismissed as premature does not meet the requirements of 37 CFR 1.26(a).

In view thereof, the request for refund is dismissed.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ROSSI KIMMS & MCDOWELL LLP
20609 GORDON PARK SQUARE
SUITE 150
ASHBURN VA 20147

MAILED
FEB 24 2012
OFFICE OF PETITIONS

In re Application of :
Takamitsu Aoki et al :
Application No. 12/044,562 : DECISION GRANTING PETITION
Filed: March 7, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. YAMA-0191 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, February 23, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 23, 2012 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 2614 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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HANLEY, FLIGHT & ZIMMERMAN, LLC
150 S. WACKER DRIVE
SUITE 2100
CHICAGO IL 60606

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NOV 07 2011
OFFICE OF PETITIONS

In re Application of
Barron et al.
Application No. 12/044,588
Filed: March 7, 2008
Attorney Docket No. 20014/06-005

DECISION ON PETITION

This is in response to the "PETITION TO WAIVER INVENTOR SIGNATURE UNDER 37 C.F.R §1.47(a)" filed October 27, 2011. This decision will also address the petition filed under 37 CFR §1.182 to expedite the petition decision.

The petition under 37 CFR 1.182 is **GRANTED**.
The petition under 37 CFR 1.183 is **GRANTED**.

The above-identified application was filed on March 7, 2008. An executed declaration was submitted on October 20, 2008. Applicants noticed that the October 20, 2008 declaration included the signature of inventor Carl on a separate sheet from the listing of the other named co-inventor.

Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather the remedy for treating an inventor's refusal to sign a supplemental declaration is waiver of 37 CFR 1.67. See MPEP 603.

When an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. It is appropriate to apply the principles of 37 CFR 1.47 thereof to the situation at hand. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate and on behalf of the non-signing inventor. See MPEP 409.03(a).

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. In this instance the declaration filed on October 20, 2008, which was signed by inventors Barron, Corsi and Melville, Jr., did include a listing of the entire inventive entity including inventor Carl. However, the declaration submitted on October 20, 2008 executed by

inventor Carl did not include the entire inventive entity. As such a supplemental declaration executed solely by inventor Carl is what is required.

In order for a petition under 37 CFR 1.183 to be granted to waive the requirement that inventor Carl sign the supplemental declaration, petitioner must demonstrate that this is an extraordinary situation where justice requires waiver of the rules.

Petitioner has shown that inventor Carl has refused to join in the filing of the supplemental declaration. The petition attest a copy of the supplemental declaration was sent to inventor Carl. The non-signing inventor's failure to return the supplemental declaration is being construed as refusal to execute the supplemental declaration.

It should be noted that this application does not have any Rule 1.47 status and no such status should appear on the record for this file.

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

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

Charlema Grant

Charlema Grant
Attorney Advisor
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/23/11

TO SPE OF : ART UNIT 2818

SUBJECT : Request for Certificate of Correction for Appl. No.: 12044596 Patent No.: 7781231

CofC mailroom date: 05/18/11

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
You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

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

- ☒ **Approved** JT 5/24/11 — **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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ADVANTEDGE LAW GROUP, LLC
922 W. Baxter Dr.
Suite 100
South Jordan UT 84095

MAILED
NOV 02 2011
OFFICE OF PETITIONS

In re Patent No.8,032,556	:	
Cook, et al.	:	DECISION FOR REQUEST
Issue Date : October 4, 2011-11-01	:	FOR RECONSIDERATION
Application No. 12/044,633	:	OF PATENT TERM
Filed: March 27, 2008	:	ADJUSTMENT
Attorney Docket No. 4001-0280	:	

This is a decision on the "Request for Reconsideration of Patent Term Adjustment," filed October 25, 2011. The request is properly treated under 37 CFR 1.705(d).

The request for reconsideration of the patent term adjustment under 37 CFR 1.705(d) is **DISMISSED**.

On October 4, 2011, the above-identified application matured into U.S. Patent No. 8,032,556, with a revised patent term of 548 days. It is noted that the instant patent issued 3 years and 211 days after its filing date. However, § 1.703(b)(1) provides, in pertinent part, that:

> The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning 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) . . . and ending on the date a patent was issued, but not including the sum of the following periods:
>
> (1) The number of days, if any, in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

Thus, the filing of a request for continued Examination (RCE) cuts-off the applicants' ability to accumulate any additional patent term adjustment against the three-year pendency provision, but does not otherwise affect patent term adjustment. In this instance, an RCE was filed on April 1, 2011. Thus, the ability to accumulate any additional patent term adjustment against the three-year pendency provision ended March 31, 2011, the day before the date the RCE was filed. Accordingly, the adjustment to the patent term for "B" delay is 24 days, with said period beginning March 31, 2011, and ending October 4, 2011.

In view thereof, the patent term adjustment of 548 days indicated in the patent is correct.

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

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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APR 19 2011
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STOLOWITZ FORD COWGER LLP
621 SW MORRISON ST
SUITE 600
PORTLAND OR 97205

In re Application of	:	
PAYNE	:	
Application No. 12/044,649	:	DECISION ON PETITION
Filed: March 7, 2008	:	
Attorney Docket No. 7758-0306	:	

This is a decision on the petition under 37 CFR 1.182, filed, February 17, 2011, to change the name of inventor "Douglas Payne" to – Douglas Levenets --.

The petition is **DISMISSED**.

In the petition dated February 17, 2011, petitioner states that Inventor Douglas Payne, last name should be changed to "Levenets." However, petitioner has not provided the procedure by which the name changed was effected.

In view of the above, the petition under § 1.182 to change the inventor's name cannot be granted at this time.

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 Diane Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STOLOWITZ FORD COWGER LLP
621 SW MORRISON ST
SUITE 600
PORTLAND OR 97205

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Application of	:	
LEVENETS	:	
Application No. 12/044,649	:	DECISION ON PETITION
Filed: March 7, 2008	:	
Attorney Docket No. 7758-0306	:	

This is a decision on the petition under 37 CFR 1.182, filed, May 31, 2011, to change the name of inventor "Douglas Payne" to – Douglas Levenets --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

The petition filed February 17, 2011, was accompanied by the proper fee under 37 CFR 1.182.

Any questions concerning this matter may be directed to Diane Goodwyn at (571) 272-6735.

Any questions concerning the examination or status of the application should be directed to the Technology Center at (571) 272-2800.

This matter is being referred to Technology Center AU 2872 for further processing.

Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : August 6,2011

In re Application of :

Jon Buchwald

Application No : 12044674

Filed : 07-Mar-2008

Attorney Docket No : BUC001

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 August 6,2011

The request is **APPROVED.**

The request was signed by Amir H. Raubvogel (registration no. 37070) on behalf of all attorneys/agents associated with Customer Number 48384 . All attorneys/agents associated with Cusotmer Number 48384 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	Jon Buchwald
Name2	
Address 1	235 Berry St., #415
Address 2	
City	San Francisco
State	CA
Postal Code	94158
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	12044674
Filing Date	07-Mar-2008
First Named Inventor	Jon Buchwald
Art Unit	2465
Examiner Name	BO HUI ZHU
Attorney Docket Number	BUC001
Title	CONFIGURABLE ZONE-BASED LOCATION DETECTION

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 48384

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	Jon Buchwald
Address	235 Berry St., #415
City	San Francisco
State	CA
Postal Code	94158
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Amir H. Raubvogel/
Name	Amir H. Raubvogel
Registration Number	37070

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PATTERSON & SHERIDAN, LLP
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056

MAILED
FEB 21 2012
OFFICE OF PETITIONS

In re Application of	:	
David Lee Glessner, et al.	:	
Application No. 12/044,708	:	DECISION ON PETITION
Filed: March 7, 2008	:	TO WITHDRAW
Attorney Docket No. NSTAR/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 14, 2011.

The request is **NOT APPROVED**.

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

Petitioner should not that the Office will no longer accept address changes to a new practitioner of a law firm file with a Request to Withdraw, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office.

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

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

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

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

cc: TRANSCANADA CORP.
C/O NADINE MOUSTAFA
717 TEXAS STREET
HOUSTON, TX 77002-2761

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Elizabeth A. Hanley, Esq., McCarter & English, LLP
265 Franklin Street
Boston MA 02110

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of :
MARK O. HENRY ET AL. :
Application No. 12/044,716 : DECISION ON PETITION
Filed: March 7, 2008 :
Attorney Docket No. **BPZ-007CPDVCN** :

This is a decision on the petition, filed March 29, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action of September 29, 2010, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on March 9, 2011.

Petitioner contends that the Notice of Abandonment was mailed in error since a timely reply (Continuation Application) was received by the Office on March 29, 2011, with a request for three (3) month extension of time. A review of the application file record confirms the receipt of this reply (Continuation Application 13/074,784) with the fee for a three (3) month extension of time filed in the instant application, on March 29, 2011. Thus, the application is not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby **VACATED** and the holding of abandonment **WITHDRAWN**.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to Technology Center AU 1614 for appropriate action in the normal course of business on the reply received March 29, 2011.

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

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

MAILED

NOV 30 2011

OFFICE OF PETITIONS

In re Application of
Sang-Soo Jung
Application No. 12/044,802
Filed: March 7, 2008
Attorney Docket No. 77789-80001.US01

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed November 16, 2011.

The request is **APPROVED**.

The request was signed by Brian R. Coleman on behalf of himself and all the attorneys/agents associated with Customer Number 22918. Therefore, Brian R. Coleman and all the attorneys/agents associated with Customer Number 22918 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

There is an outstanding Office action mailed August 18, 2011, that requires a reply from the applicant.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Zoomtextile, Co. LTD.
1501 Leaders Bldg., 1599-11 Seocho 3-dong
Seocho-gu, Seoul 137-0733
Republic of Korea

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
12/044,802	03/07/2008	Sang-Soo Jung	77789-8001.US01

CONFIRMATION NO. 7970

POWER OF ATTORNEY NOTICE

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

OC000000051229386

Date Mailed: 12/01/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/16/2011.

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

/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

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.
12/044,870	03/07/2008	Daria Mochly-Rosen	STAN-543 (S07-020)	8128

24353 7590 10/15/2010
BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO, CA 94303

EXAMINER
PAGONAKIS, ANNA

ART UNIT	PAPER NUMBER
1628	

MAIL DATE	DELIVERY MODE
10/15/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO CA 94303

Applicant: Mochly-Rosen et al.
Appl. No.: 12/044,870
Filing Date: March 7, 2008
Title: MITOCHONDRIAL ALDEHYDE DEHYDROGENASE-2 MODULATORS AND METHODS OF USE THEREOF
Attorney Docket No.: STAN-543 (S07-020)
Pub. No.: US 2009/0082431 A1
Pub. Date: March 26, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on March 5, 2010, for the above-identified application.

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

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

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

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

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

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

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

By facsimile: 571-273-8300

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

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

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Adjustment date: 10/18/2010  KKING1
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Refund Ref:
10/18/2010          0030089681
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Credit Card Refund Total:      $300.00

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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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SHAY GLENN LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO CA 94403

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of
Chirico, et al.
Application No. 12/044,884
Filed: 7 March, 2008
Attorney Docket No. 10177-703.201

DECISION ON PETITION

This is a decision on the petition filed on 16 September, pursuant to 37 C.F.R. §1.47.

NOTE:

Petitioner's comments at page 2 of his petition suggest Petitioner found disturbing that he was reminded (in the decision of 21 July, 2010,) that he apparently overlooked this matter after filing his original petition in his application in September 2008.

Petitioner's citation and quotation of the guidance in the Commentary in the Manual of Patent Examining Procedure (*see, generally:* MPEP §409.03, et seq.) evidence that Petitioner—as one registered to practice before the Office—was aware that he might inquire as to the Status of his pending petition when it is not addressed timely pursuant to Office policy, and of the explicit statement of that policy should the Office appear not to follow it. And, of course, it is to the advantage of Petitioner and Petitioner's Applicant(s) to have such matters resolved timely.

Contrary to Petitioner's assertion that "such long delays [herein twenty-two (22) months] unfortunately are not uncommon," cycle time on most matters in the Office of Petitions in fact is on the order of 90 to 120 days.

Moreover, Petitioners always are reminded that regulatory provisions mandate limited time periods for seeking relief. (*e.g.*, the regulations at 37 C.F.R. §1.181).

The petition as considered pursuant to 37 C.F.R. §1.47(a) is **GRANTED**.

A grantable petition under 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.

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 March, 2008, without, *inter alia*, a fully executed oath/declaration

On 19 March, 2008, the Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration.

On 17 September, 2008, Petitioner Richard D. Shoop (Reg. No. 45,763) submitted, *inter alia*: a request and fee for extension of time, a petition pursuant to 37 C.F.R. §1.47(a) with fee with statement, and with: an oath/declaration executed by co-inventors Chirico, Chan, Pakbaz, Souza and Martini for themselves and on behalf of non-signing inventor Joseph A. Horton MD (Dr. Horton). Notably, Petitioner avers Email transmission of the oath/declaration and an assignment to the non-signing inventor and then a second Email averred to entail transmission of the (entire) application (description, claims, abstract and drawings), with a refusal to sign by the non-signing inventor. However, a thorough reading of materials clearly evidences that the response of the non-signing inventor is not to the receipt of (with ability to open and read) the message with averred application attachment(s), but only the message containing the oath/declaration (and assignment). Thus, the showing failed to evidence transmittal to and receipt by the non-signing inventor of a copy of the complete application (description, claims, abstract and drawings). As a result there was no indication of the validity/currency/reasonableness of a last known postal address for the non-signing inventor and so presented properly to the Office pursuant to Petitioner's duty of candor to (with diligent inquiry before) the Office to ascertain same—or to make the basic showing of transmittal of the complete application (description, claims, abstract and drawings) to the non-signing inventor. The petition was dismissed on 21 July, 2010.

On 16 September, 2010, Petitioner re-advanced his petition pursuant to 37 C.F.R. §1.47(a), and supplemented the prior showing with one that evidenced the transmittal of the entire application to the non-signing inventor and the inventor's subsequent failure to sign/join and provided a showing of diligent effort in demonstrating the reasonably believed to be valid/current/last known address the non-signing inventor who constructively refused to sign/join by his failure to reply. Petitioner appeared to have provided a showing satisfying the requirements under the Rule to wit: showing/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); an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and 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.

Thus, Petitioner sought to satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq.), and provide a showing that the non-signing inventor(s) constructively refused to sign.

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]

CONCLUSION

The instant petition under 37 C.F.R. §1.47(a) is **granted** (status is accorded pursuant to 37 C.F.R. §1.47(a).)

As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

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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). See specifically, the regulations at 37 C.F.R. §10.18.

The instant application is released to the Office of Patent Application Processing (OPAP) for such processing as required in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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JOSEPH A. HORTON MD
2000 BANEBERRY DRIVE
HOOVER, AL 35244

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of
Chirico, et al.
Application No. 12/044,884
Filed: 7 March, 2008
Attorney Docket No. 10177-703.201

COMMUNICATION

Dear Joseph A. Horton MD:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §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 C.F.R. §1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

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).

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) 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) Moreover, the Office can neither advise you nor recommend Counsel in this matter.

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

Counsel of Record:
SHAY GLENN LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO CA 94403

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

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ERICKSON, KERNELL, DERUSSEAU & KLEYPAS, LLC
800 W. 47TH STREET, SUITE 401
KANSAS CITY MO 64112

MAILED
JAN 14 2011
OFFICE OF PETITIONS

In re Application of
Jason Walker et al.
Application No. 12/044,929 : ON PETITION
Filed: March 7, 2008
Attorney Docket No. 445.005

This is a decision on the petition under 37 CFR 1.137(b)[1], filed December 22, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned July 27, 2010 for failure to timely reply to the Final Office Action mailed April 26, 2010 which set a three (3) month shortened statutory period for reply. No extensions of time under 37 CFR 1.136(a) were obtained prior to the abandonment of the application. Accordingly, a Notice of Abandonment was mailed November 24, 2010.

Petitioner has submitted a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114. Since the $555.00 extension of time fee submitted with the petition on December 22, 2010, was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be refunded to the credit card provided.

This matter is being referred to Technology Center 2833 for processing of the RCE.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/044,931	03/07/2008	Wing-kin Hui	JHUI1920	8258

49927 7590 11/07/2011
PENINSULA IP GROUP
26150 BUCKS RUN
CORRAL DE TIERRA, CA 93908

EXAMINER
CHIN, RANDALL E

ART UNIT	PAPER NUMBER
3723	

MAIL DATE	DELIVERY MODE
11/07/2011	PAPER

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

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

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26150 BUCKS RUN
CORRAL DE TIERRA CA 93908

In re Application of:
HUI, WING-KIN et al
Serial No.: 12/044,931
Filed: March 7, 2008
Docket: JHUI1920
Title: SWIMMING POOL CLEANING VEHICLE

DECISION ON PETITION

This is a decision on the petition filed on October 21, 2011 in which the petitioner requests reconsideration and withdrawal of the election of species requirement mailed on May 24, 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 **dismissed**.

The record shows that:

1. After the application was filed on March 7, 2008, the applicant filed a preliminary claim amendment on September 24, 2008 adding new claims 10-14 to the application. There were a total of 14 claims in the case. On May 24, 2011, the Examiner issued an Election of Species Requirement that indicated the application contains claims 1-14 directed towards three patentably distinct species. Namely, these were Species 1 directed to Figure 4, Species 2 directed to Figure 5 and Species 3 directed to Figure 6.

2. On June 1, 2011, an election was made with traverse and arguments by the Applicant were submitted. The applicant elected Species of Figure 5, with claims 1-3 and 6-8 readable on the elected Species 2, Figure 5. The applicant traversed the election of species requirement based on the examiner's lack of appropriate explanation of the classification of each disclosed and claimed species and serious search burden.

3. On June 16, 2011, a Non-final Office action was issued and the restriction requirement was repeated and made final. Claims 1, 3 and 6-8 were examined on the merits. The Examiner held claims 2, 4, 5 and 9-14 as drawn to the non-elected species and withdrew them from

consideration. The examiner also disputed the applicant's assertion that claim 2 is readable on the elected species of Fig. 5. In particular, the examiner stated that "Claim 2, indicated by Applicant as readable on elected Fig. 5 is being withdrawn from consideration since claim 2 recites "the bottom is **symmetrically** concaved inwardly" (emphasis added), which is not disclosed for elected Fig. 5. Specifically, see Applicant's specification at p. 11, lines 12-20 which instead specifically describes the Fig. 5 embodiment bottom 480 as being "**asymmetrically** concaved inwardly" (emphasis added)".

4. On October 21, 2011, the applicant filed the current petition requesting review of the election of species requirement mailed on May 24, 2011.

Discussion and Analysis

In the October 21, 2011 petition, petitioner requests withdrawal of the election of species requirement imposed in the May 24, 2011 Office Action. Petitioner asserts that the election of species requirement was improper because the Examiner did not provide any separate classification of the various disclosed species and an appropriate explanation of why there is a search and/or examination burden. Petitioner believes the explanation in the election of species requirement was conclusory in nature and was not supported by additional facts.

Pursuant to MPEP 803, there are two criteria for a proper restriction requirement: (1) the inventions must be independent or distinct as claimed and (2) there would be a serious burden on the examiner if restriction is not required.

In the May 24, 2011Office Action, the examiner restricted the disclosed and claimed species on the basis of being patentably distinct. The examiner listed three species, namely, Species 1 directed to Figure 4; Species 2 directed to Figure 5 and Species 3 directed to Fig. 6. A review of the record shows the examiner was correct in dividing up the three species as follows. Species 1 - 3 describes three different embodiments. In the election of species requirement, the examiner has held that there are patentable differences between species as claimed as required by MPEP 806.04(h)[1]. The claims directed to the elected species are patentable over each other, thus the election of species requirement of May 24, 2011 is proper. In addition, the applicant has not admitted on the record that the disclosed and claimed species are not patentably distinct or identified any evidence showing the species to be obvious variants (see last paragraph of page 3 and first paragraph of page 4 of the Office action mailed May 24, 2011). Since the examiner has held the various disclosed and claimed species are patentably distinct in accordance with MPEP 806.04[2], this election of species restriction is also proper in absence any other evidence showing the species to be obvious variants. Most importantly, it should be noted that upon the allowance of generic claim(s), the applicant will be entitled to consideration of claims to additional species

[1] MPEP 806.04(h)Species Must Be Patentably Distinct From Each Other[R-3] In making a requirement for restriction in an application claiming plural species, the examiner should group together species considered clearly unpatentable over each other.
[2] MPEP 806.04**>Genus and/or Species< Inventions [R-3] Where an application includes claims directed to different embodiments or species that could fall within the scope of a generic claim, restriction between the species may be proper if the species are independent or distinct.

which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

In response to the May 24, 2011 Office Action, the applicant elected with traverse the Species of Figure 5 and specified claims 1-3 and 6-8 as being directed towards the Species of Figure 5. In the June 16, 2011 Office Action, the examiner made the election of species final and withdrew claims 2, 4, 5 and 9-14 from consideration. Claims 1, 3 and 6-8 were examined on the merits. In the petition, petitioner argues that the examiner did not show any evidence of a serious burden. MPEP 808.02 requires that the examiner "must explain why there would be a serious burden on the Examiner if restriction is not required thus the Examiner must show by appropriate explanation one of the following: separate classification...a separate status in the art...or a different field of search." Petitioner contends that it is unclear how the Species 1, Species 2 and Species 3 require a different field of search. This line of reasoning is not found to be persuasive. The examiner has established the claims to the different species recite mutually exclusive characteristics of such species (see page 2, second paragraph of the Office action mailed May 24, 2011). The differences between these mutually exclusive characteristics are what established the separate status in the art due to the divergent subject matter. Furthermore, due to the separate status of the claims, the election of species requirement is proper.

In regards to search burden, MPEP 808.02(C)[3] states that a serious burden exists where it is necessary for the examiner to search different fields for the restricted species. A careful analysis of claims suggested that Species of Fig. 4 requires search area in Class/Subclasses of 210/ 167.1, 167.15, 167.16, 416.2 and search terms: concave/concavity, symmetric, symmetrical, front to back symmetrical, water intake port near/adjacent wheel, high clearance. The Species of Figure 5 requires a search in Classes/Subclasses of 15/1.7 with search terms of concave/concavity, asymmetric, asymmetrical, bottom, water intake port near/adjacent wheel, high clearance. The Species of Figure 6 requires a search in Classes/Subclasses 440/12.5, 38, 39 with search terms: concave/concavity, water intake port directly under drive mechanism and/or at wheel, low clearance. Other related searches include Classes/Subclasses of 180/7.1, 9.62, 21, 164, 305, 901. Each species does require a different field of search in different classes/subclasses or electronic resources and/or using different search queries. It should be noted that the application of prior art references to one species would not be applicable to another species. In order to perform a quality search and claim examination, the election of species requirement is justified and proper in accordance with MPEP § 806.02.

In the petition, petitioner also argues that the examiner failed to provide classifications for each and every disclosed Species. However, for election of species requirement, the separate classification for each Species is not required as correctly pointed out by the examiner (see pages 2 and 3 of the Office action of June 16, 2011). Petitioner further argues that the examiner has

[3] MPEP 808.02 Establishing Burden [R-5] (C)A different field of search: Where it is necessary to search for one of the inventions in a manner that is not likely to result in finding art pertinent to the other invention(s) (e.g., searching different classes/subclasses or electronic resources, or employing different search queries, a different field of search is shown, even though the two are classified together. The indicated different field of search must in fact be pertinent to the type of subject matter covered by the claims. Patents need not be cited to show different fields of search.

improperly withdrawn claim 2. A review of the Office action of June 16, 2011 indicates that the examiner clearly provided the reason why claim 2 was withdrawn. In particular, the examiner stated that, "Claim 2, indicated by Applicant as readable on elected Fig. 5 is being withdrawn from consideration since claim 2 recites "the bottom is **symmetrically** concaved inwardly" (emphasis added), which is not disclosed for elected Fig. 5. Specifically, see Applicant's specification at p. 11, lines 12-20 which instead specifically describes the Fig. 5 embodiment bottom 480 as being "**asymmetrically** concaved inwardly" (emphasis added)". It is also noted that petitioner did not dispute the examiner's position. Thus, the withdrawal of claim 2 from consideration is proper.

Conclusion

For the reasons outlined above, the election of species requirement imposed in the May 24, 2011 Office Action and made final in the June 16, 2011 Office action is in accordance with proper Office procedure. Accordingly, the election of species requirement of May 24, 2011 is proper. The requested relief to withdraw the election of species requirement will not be granted.

The application is being forwarded to the examiner via the SPE of Art Unit 3748 for preparation of an Office action in response to the Rule 111 Amendment filed on Oct. 21, 2011.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

The petition is DISMISSED.

Donald T. Hajec, Director
Technology Center 3700

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In re Application of	:
Rachele Barbara Cocks	:
Application No. 12/044,956	: DECISION ON PETITION
Filed: March 8, 2008	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. VAS0001.US	:

This is a decision on the petition under 37 CFR 1.78(a)(6), filed January 18, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior-filed provisional Application No. 60/905,713, filed March 8, 2007, set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant pending nonprovisional application was filed on March 8, 2008, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/905,713, which was filed on March 8, 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. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. The court specifically stated:

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

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

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a substitute amendment[1] deleting the incorporation by reference statement, along with a renewed petition under 37 CFR 1.78(a)(6), is required.

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

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

Any questions concerning this matter may be directed to Alicia Kelley at (571) 272-6059.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

[1] *Note* 37 CFR 1.121

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In re Application of	:
Rachele Barbara Cocks	:
Application No. 12/044,956	: DECISION ON PETITION
Filed: March 8, 2008	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. VAS0001.US	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed March 17, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior-filed provisional Application No. 60/905,713, filed March 8, 2007, set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant pending nonprovisional application was filed on March 8, 2008, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/905,713, which was filed on March 8, 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 as it improperly claims the benefit of prior-filed provisional Application 60/905,713. In order for the instant application to claim the benefit of the prior-filed provisional application, the reference made in the amendment to the specification must state that: "This application claims the benefit of U.S. Provisional Application No. 60/---, filed---". See MPEP 201.11.

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a substitute amendment[1] properly claiming benefit of the prior-filed provisional application must be submitted, along with a renewed petition under 37 CFR 1.78(a)(6).

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

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By Internet:	EFS-Web

Any questions concerning this matter may be directed to Alicia Kelley-Collier at (571) 272-6059.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

[1] *Note* 37 CFR 1.121

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In re Application of	:	
Rachele Barbara Cocks	:	
Application No. 12/044,956	:	DECISION ON PETITION
Filed: March 8, 2008	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. VAS0001.US	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed May 17, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior-filed provisional Application No. 60/905,713, filed March 8, 2007, set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant pending nonprovisional application was filed on March 8, 2008, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/905,713, which was filed on March 8, 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.

The instant nonprovisional application was filed after November 29, 2000, and the claim for priority herein is submitted after expiration of the period specified in 37 CFR § 1.78(a)(5)(ii). *See* 35 U.S.C. § 119(e). Accordingly, having found that the instant petition satisfies the conditions of 37 CFR § 1.78(a)(6) for acceptance of an unintentionally delayed claim for priority under 35 U.S.C. § 119(e), the petition to accept an unintentionally delayed claim of benefit to the above-noted, prior-filed provisional application is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR § 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this matter may be directed to Alicia Kelley-Collier at (571) 272-6059.

This matter is being referred to Technology Center Art Unit 3629 for appropriate action on the amendment submitted May 17, 2011, including consideration by the examiner of the claim under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5) for the benefit of the prior-filed provisional application.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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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
12/044,956	03/08/2008	3629	500	VAS0001.US	3	3

CONFIRMATION NO. 8333

CORRECTED FILING RECEIPT

41863
TAYLOR IP, P.C.
P.O. Box 560
142. S Main Street
Avilla, IN 46710

OC000000048058754

Date Mailed: 06/06/2011

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)

Rachele Barbara Cocks, Fort Wayne, IN;

Assignment For Published Patent Application

Venture Alliance Systems and Technology, LLC, Huntington, IN

Power of Attorney: The patent practitioners associated with Customer Number 41863

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/905,713 03/08/2007

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: 03/18/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/044,956**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Trouble Report System Algorithm

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

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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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OCT 13 2011

OFFICE OF PETITIONS

In re Application of	:	
Bryant et al.	:	
Application No. 12/044968	:	
Filing or 371(c) Date: 03/08/2008	:	ON PETITION
Attorney Docket Number:	:	
4169-028 (Div 3)	:	

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

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Non-Compliant Amendment ("Notice"), mailed April 12, 2010. The Notice set a one (1) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on May 13, 2011.

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

This application is being referred to Technology Center Art Unit 3662 for processing of the reply to the Notice filed with the petition in due course.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : October 9,2011

In re Application of :

Zvi SCHREIBER

Application No : 12044995

Filed : 09-Mar-2008

Attorney Docket No : GHO-002

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 9,2011

The request is **APPROVED.**

The request was signed by Simon Mark Kahn (registration no. 48249) on behalf of all attorneys/agents associated with Customer Number 55890 . All attorneys/agents associated with Cusotmer Number 55890 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 Infinity IP Bank International (Suzhou) Co. Ltd.

Name2

Address 1 Unit 9-704-1, No. 328 Xinghu Street

Address 2 Suzhou Industrial Park

City Suzhou, Jiangsu Province

State

Postal Code

Country CN

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

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

Office of Petitions

Doc Code: PET.AUTO **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	12044995
Filing Date	09-Mar-2008
First Named Inventor	Zvi SCHREIBER
Art Unit	2193
Examiner Name	KEVIN HUGHES
Attorney Docket Number	GHO-002
Title	LEXICOGRAPHICAL ORDERING OF REAL NUMBERS

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 55890

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	Infinity IP Bank International (Suzhou) Co. Ltd.
Address	Unit 9-704-1, No. 328 Xinghu Street Suzhou Industrial Park
City	Suzhou, Jiangsu Province
State	
Postal Code	
Country	CN

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Simon Mark Kahn/
Name	Simon Mark Kahn
Registration Number	48249

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

MAILED
NOV 22 2010
OFFICE OF PETITIONS

Chris M. Hymel
3515 County Road 81
Rosharon TX 77583

In re Application of
Hymel
Application No.: 12/045,003
Filed: March 9, 2008
Attorney Docket No:

: ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), September 13, 2010, to revive the above-identified application.

The petition is **dismissed**.

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

This application became abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Non-Provisional Application mailed March 21, 2008. The notice set a shortened period for reply of two months from its mailing date. No response was received within the allowable period, and the application became abandoned on May 22, 2008. A Notice of Abandonment was mailed November 24, 2008.

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a non-provisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee, or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition does not satisfy the requirement of item (1). An assessment of the fees submitted September 13, 2010, revealed that applicant owes an additional $58.00 towards the satisfaction of the all filing and claim fees, and surcharges. The renewed petition must be accompanied by an additional $58.00.

There is no need to pay the petition fee again.

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

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

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

Questions regarding how the Office determined that an additional $58.00 was required should be addressed to the Office of Patent Application Processing. Other inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
Herbert Joe
PO Box 980608
Park City, UT 84098

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Chris M. Hymel
3515 County Road 81
Rosharon TX 77583

MAILED
JAN 31 2011
OFFICE OF PETITIONS

In re Application of
Hymel
Application No.: 12/045,003
Filed: March 9, 2008
Attorney Docket No:

ON PETITION

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

The petition is **GRANTED**.

This application became abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Non-Provisional Application mailed March 21, 2008. The notice set a shortened period for reply of two months from its mailing date. No response was received within the allowable period, and the application became abandoned on May 22, 2008. A Notice of Abandonment was mailed November 24, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $58.00; (2) the petition fee of $810.00, 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 instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of

attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

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

The application file is being directed to the Office of Patent Application Processing further processing.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
Herbert Joe
PO Box 980608
Park City, UT 84098

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DLA PIPER LLP (US)
2000 UNIVERSITY AVENUE
EAST PALO ALTO CA 94303-2248

MAILED

JUL 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Trevor Graham Edward Niblock	:	
Application No. 12/045,018	:	DECISION ON PETITION
Filed: March 9, 2008	:	
Attorney Docket No. 357267-990012	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 15, 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 29, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 29, 2010. Accordingly, the date of abandonment of this application is March 30, 2011. A Notice of Abandonment was mailed on April 15, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755 and the publication fee of $300, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

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

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

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

MAILED
NOV 08 2010
OFFICE OF PETITIONS

In re Application of	:	
Shawn David Noble, et al.	:	
Application No.: 12/045,069	:	ON PETITION
Filed: March 10, 2008	:	
Attorney Docket No.: 08-1614-US	:	

This is a decision on the petition, filed November 8, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 29, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The application is being referred to Technology Center AU 3616 for further processing of the Request for Continued Examination (RCE) under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

MAILED

JAN 13 2011

OFFICE OF PETITIONS

In re Application of :
Shawn David Noble, et al. :
Application No.: 12/045,069 :
Filed: March 10, 2008 :
Attorney Docket No.: 08-1614-US :

ON PETITION

This is a decision on the petition, filed January 12, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 7, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The application is being referred to Technology Center AU 3616 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 09-17-10

TO SPE OF : ART UNIT 2112

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/045084 Patent No.: 7770086

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Angela Green 703-756-1541
Certificates of Correction Branch
703-756-1814

Thank You For Your Assistance

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

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

Comments: _____

SCOTT BADERMAN
SUPERVISORY PATENT EXAMINER

2112
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

ARC PATENTS
7910 IVANHOE AVE. #325
LA JOLLA, CA 92037

MAILED
SEP 30 2011
OFFICE OF PETITIONS

In re Patent No. 7,935,265 :
Issue Date: May 3, 2011 :
Application No. 12/045,149 : ON PETITION
Filed: March 10, 2008 :
Attorney Docket No. 1131-P0062 :

This is a decision on the petition filed September 9, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the April M. Wise at (571) 272-1642. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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KILPATRICK TOWNSEND & STOCKTON, LLP/PIXAR
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED
FEB 16 2012
OFFICE OF PETITIONS

In re Patent No. 8,054,313 :
Issue Date: November 8, 2011 :
Application No. 12/045,208 : ON PETITION
Filed: March 10, 2008 :
Attorney Docket No. 88298-740229 :
(P016910US)

This is a decision on the petition filed January 12, 2012, which is being treated as a petition under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a certificate of correction.

The petition is **DISMISSED**.

Petitioner states that the correct assignee's name is Pixar, Emeryville, CA and that incorrect assignee data was included on the Part B - Fee(s) Transmittal form at the time of payment of the issue fee. Accordingly, petitioner requests that the patent issue to Pixar, Emeryville, CA.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter [emphasis added]. *See also* MPEP 1481.01.

The request under 37 CFR 3.81(b) was not accompanied by the processing fee set forth in § 1.17(i). See also MPEP 1481.01. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

A review of Office database assignment records reflects that an assignment to Pixar, Emeryville, CA has been recorded. Therefore, upon submission of the required processing fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that Pixar, Emeryville, CA was the assignee of record at the time of issuance of the application into a patent. Note also 35 U.S.C. § 152.

In view of the above, the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of the processing fee. No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in this request. A copy of this decision must accompany the processing fee.

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in this request, since this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-323 . Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : October 21,2011

In re Application of :

Keitaro Saito

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12045260

Filed : 10-Mar-2008

Attorney Docket No : 323021US0

This is an electronic 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 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 1619 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	12045260
Filing Date	10-Mar-2008
First Named Inventor	Keitaro Saito
Art Unit	1619
Examiner Name	JYOTHSNA VENKAT
Attorney Docket Number	323021US0
Title	THICKENING AGENT

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

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

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

Petition Fee

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

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

☐ Applicant(s) status remains as SMALL ENTITY.

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

Reason for withdrawal from issue

○ One or more claims are unpatentable ◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees) ○ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).	
RCE request,submission, and fee. ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on ☒ Are attached.	
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES I certify, in accordance with 37 CFR 1.4(d)(4) that I am: ◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application. ○ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity. ○ A sole inventor ○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors ○ A joint inventor; all of whom are signing this e-petition ○ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71	
Signature	/James J. Kelly Ph.D./
Name	James J. Kelly, Ph.D.
Registration Number	41504

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

MAILED
MAR 15 2012
OFFICE OF PETITIONS

In re Application
Robert K. Khedouri et al.
Application No. 12/045,297
Filed: March 10, 2008
Attorney Docket No. 10519-942
(MGA-0001-IX-US)

: DECISION ON APPLICATION
: FOR PATENT TERM ADJUSTMENT

This is a decision on the "REQUEST FOR RECONSIDERATION OF PTA", filed March 2, 2012.

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

Applicants 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.

Applicants argue that "the PTO has awarded 120 days of PTA; however, it appears that Applicants are entitled to 121 days of PTA. Applicants respectfully request reconsideration of the PTA."

Applicants have not provided a basis for why they believe they are entitled to one hundred and twenty-one (121) days of PTA nor have they paid the petition fee as set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b). However, pursuant to the authorization included with the petition, the $200.00 fee set forth in 37 CFR 1.18(e) has been charged to deposit account no. 23-1925.

Furthermore, a review of the prosecution history does not reveal that any additional PTA is warranted.

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LARIVIERE, GRUBMAN & PAYNE, LLP
19 UPPER RAGSDALE DRIVE, SUITE 200
MONTEREY CA 93940

MAILED

MAY 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Frank Chiorazzi	:	
Application No. 12/045,361	:	ON PETITION
Filed: March 10, 2008		
Attorney Docket No. PI786	:	
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 28, 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 (PTO/SB/130 form) by the applicant's attorney that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 1776 for action on the merits commensurate with this decision.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

MAILED
FEB 18 2011
OFFICE OF PETITIONS

In re Application of
Anderson et al.
Application No. 12/045,375
Filed: March 10, 2008
Attorney Docket No. 3485-P10390US

DECISION ON PETITION
TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 14, 2011.

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

A review of the file record indicates that on February 17, 2011 the power of attorney to Morrison & Foerster LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

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

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Paper No.

Daniel J. Schlue
Roetzel & Andress
222 S. Main St.
Akron OH 44308

MAILED
JAN 04 2012
OFFICE OF PETITIONS

In re Application of	:	
Burress et al.	:	DECISION ON
Application No. 12/045,378	:	PETITION
Filed: March 10, 2008	:	
Atty Docket No. 105737.0003	:	

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b), filed December 22, 2011.

The petition is **GRANTED**.

The above-identified application was abandoned for failure to file a timely and proper reply to the final Office action mailed January 5, 2011. This Office action set a shortened statutory period for reply of three (3) months from the mail date of the action. A reply, made timely by an extension of time within the second month, was filed on June 3, 2011; however, it was determined not to place the application in condition for allowance. See Advisory Action mailed November 30, 2011. No proper reply having been received and no further extension of time obtained, the application became abandoned effective June 6, 2011. A courtesy Notice of Abandonment was mailed on December 13, 2011.

On petition, petitioner submitted a Request for Continued Examination (RCE) and submission under §1.114 (in the form of the previously submitted after-final amendment)(and RCE fee); paid the petition fee; and made the required statement of unintentional delay.

Technology Center AU 3728 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the RCE and submission submitted on petition filed December 22, 2011.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/045,437	03/10/2008	Satoshi Matsushita	8073P364	9271

7590 09/03/2011
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
ABDULSELAM, ABBAS I

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
09/03/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD, SUITE 230
CASTLE ROCK CO. 80108

MAILED

DEC 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Rodolfo Luis **ROSSI**	:	
Application No. 12/045,475	:	RESPONSE TO PETITION
Filed: March 10, 2008	:	
Attorney Docket No. 1470-024	:	

This is a response to the petition under 37 CFR 1.59(b), filed April 23, 2010, to expunge information from the above identified application.

The petition **DISMISSED**.

Petitioner request expungement of information received by the Office on April 23, 2010, in responding to a Request for Information made under 37 CFR 1.105.

However, the petition is premature since prosecution of the application has not been closed by way of the allowance of the application, the mailing of an Ex parte Quayle action, or the abandonment of the application. See MPEP 724.06. 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 dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material and the conditions related to the expungement of unintentionally submitted information, discussed as A-F in MPEP 724.05 II, are satisfied, the information will be removed from the official file.

After the mailing of a Notice of Allowance, an Ex parte Quayle action or a Notice of Abandonment, the petition to expunge may be renewed by applicant(s) or applicant(s)' representative. No further fee is required for such a second submission of a petition under 37 CFR 1.59 to expunge information. **In addition, the requester is cautioned to renew the petition under 37 CFR 1.59 for reconsideration by the Office prior to the point at which the present file, or file claiming priority to the present file, is forwarded for issuance of the**

patent. This is to be done no later than immediately after the examiner has issued a Notice of Allowance, an Ex parte Quayle action or a Notice of Abandonment. A failure to timely renew the petition to expunge prior to the point at which the file is forwarded for issuance will result in the material being retained in the patented file and thus becoming open to the public.

Telephone inquiries concerning this communication should be directed to the undersigned at 571-272-0502.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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PALO ALTO, CA 94304-1018

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FEB 18 2011

OFFICE OF PETITIONS

In re Application of Chong et al. Application No. 12/045,485 Filed: March 10, 2008 Attorney Docket No. 3485-P10439US	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 14, 2011.

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

A review of the file record indicates that on February 15, 2011 the power of attorney to Morrison & Foerster LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/045,509	03/10/2008	Xiong Cai	4045.3009 US2	9409

38473 7590 01/05/2012
ELMORE PATENT LAW GROUP, PC
484 Groton Road
Westford, MA 01886

EXAMINER
RAHMANI, NILOOFAR

ART UNIT	PAPER NUMBER
1625	

NOTIFICATION DATE	DELIVERY MODE
01/05/2012	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):

docketing@elmorepatents.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAN 0 5 2012

Roy P. Issac
ELMORE PATENT LAW GROUP, PC
484 Groton Road
Westford MA 01886

In re Application of	:
Xiong Cai et al	:Decision on Petition
Serial No.:12/045,509	:
Filed: 10 March 2008	:
Attorney Docket No.:4045.3009 US2	:

This letter is in response to the Petition under 37 CFR 1.181 filed 23 November 2011 to request withdraw of finality of the Office action mailed 23 September 2011.

The application, file history and petition have been considered carefully. Because applicants have provided agreement to the Notice of Allowance mailed 14 December 2011, which closed prosecution, the petition under 37 CFR 1.181 is **DISMISSED**.

The application will be forwarded to Publications Branch to upon receipt of the Issue fee payment, to process the application for issue.

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.

Rémy Yucel
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

MAILED

SEP 2 0 2010

OFFICE OF PETITIONS

In re Application of
Ali Bani HASHEMI, et *al.*
Application No. 12/045,530
Filed: March 10, 2008
Attorney Docket No. **2007P10274US01**

DECISION ON PETITIONS UNDER 37 CFR 1.181 & 37 CFR 1.137(b)

This is in response to the petition, filed May 21, 2010 under 37 CFR 1.181 to withdraw the holding of abandonment in the above-identified application and petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application.

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."

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

This application became abandoned, by operation of law, on April 27, 2010 for failure to timely pay the issue and publication fees as required by the Notice of Allowance and Fee(s) Due, mailed January 26, 2010, which set a shortened statutory period for reply of three (3) months. A Notice of Abandonment was mailed on May 12, 2010.

Petitioner asserts that the application is not in fact abandoned because the requisite response, i.e., the submission of the PTOL-85B Issue Fee Transmittal was electronically filed on April 22, 2010. Petitioner also states that the deposit account number was inadvertently omitted from the transmittal letter.

Unfortunately, the omission of the deposit account number from the Issue Fee Transmittal rendered the submission incomplete.

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

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer

(and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition lacks item (**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.

Petitioner should consider filing a renewed petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the **$1620** 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 Monica A. Graves at (571) 272-7253.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

MAILED

MAR 29 2011

OFFICE OF PETITIONS

In re Application of
Ali Bani HASHEMI, et *al.*
Application No. 12/045,530
Filed: March 10, 2008
Attorney Docket No. **2007P10274US01**

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 4, 2010, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure s to timely pay the issue and publication fees on or before April 26, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed January 26, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 27, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1510 and the publication fee of $300, (2) the petition fee of $1620; and (3) an adequate statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

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

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEMONT & BREYER, LLC
100 COMMONS WAY, Ste. 250
HOLMDEL, NJ 07733

MAILED
SEP 20 2010
OFFICE OF PETITIONS

In re Application of :
Rene Gerrit Heideman, et al. :
Application No.: 12/045,570 : ON PETITION
Filed: March 10, 2008 :
Attorney Docket No.: 145-008US :

This is a decision on the petition, filed September 17, 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 May 21, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The application is being referred to Technology Center AU 2874 for further processing of the Request for Continued Examination (RCE) under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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

MAILED
OCT 11 2011
OFFICE OF PETITIONS

In re Application of	:	
Hager et al.	:	
Application No. 12/045579	:	DECISION
Filing or 371(c) Date: 03/10/2008	:	ON PETITION
Attorney Docket Number: 27585-025C01US	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 6, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination 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 March 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 Terminal Disclaimer (the Examiner has approved the amendment) (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 2835 for processing of the Amendment and Terminal Disclaimed in the normal course of business.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : October 3,2011

DECISION ON PETITION

In re Application of :

Patrick Zimmerman

Application No : 12045617

Filed : 10-Mar-2008

Attorney Docket No : 50524-00019

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

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to an Office action. The date of abandonment is the day after the expiration date of the period set for reply in the Office action or action plus any extensions of time actually obtained.

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

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 12045617 filed on 03-10-2008

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

Office of Petitions

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

Electronic Petition Request	**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**
Application Number	12045617
Filing Date	10-Mar-2008
First Named Inventor	Patrick Zimmerman
Art Unit	3628
Examiner Name	IGOR BORISSOV
Attorney Docket Number	50524-00019
Title	METHOD AND APPARATUS FOR GENERATING STANDARDIZED ENVIRONMENTAL BENEFIT CREDITS

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

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

Petition fee
The petition fee under 37CFR 1.17(m) is attached.

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

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

☐ Applicant(s) status remains as SMALL ENTITY.

☐ Applicant(s) status remains as other than SMALL ENTITY.

Reply Fee

☒ A reply in the form of a continuing application with serial number 12045617 has been previously filed on 03-10-2008

Terminal disclaimer with disclaimer fee

☒ Terminal disclaimer and fee are not required

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

☐ Terminal disclaimer and fee are attached

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

○ A sole inventor

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

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

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

Signature	/Kent A. Lembke/
Name	Kent A. Lembke
Registration Number	44866

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: 81170050	Application Number (if known): 12045736	Filing date: March 11, 2008
First Named Inventor: Chris Paul Glugla		
Title: Multiple Spark Plug Per Cylinder Engine With Individual Plug Control		

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: _____

Signature /David S. Bir/	Date 03-03-2011
Name (Print/Typed) David S. Bir	Registration Number 38383

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

☐ *Total of ..... forms are submitted.

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

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

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

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

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CHRIS PAUL GLUGLA

Group Art Unit: 3747

Examiner: Hieu T. Vo

Serial No.: 12/045,736

Filed: March 11, 2008

For: MULTIPLE SPARK PLUG PER CYLINDER ENGINE WITH INDIVIDUAL PLUG CONTROL

Attorney Docket No.: 81170050

STATEMENT SUPPORTING ELIGBILITY REQUIREMENT OF THE GREEN TECHNOLOGY PILOT PROGRAM

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Statement of Special Status for the Eligibility Requirement is being filed concurrently with a Petition To Make Special Under the Green Technology Pilot Program (PTO/SB/420), and pursuant to the requirements of 74 Fed. Reg. 64,666 (Dec. 8, 2009), as amended by 75 Fed. Reg. 28, 554 (May 21, 2010) and 75 Fed. Reg. 68049 (Nov. 10, 2010).

Applicant respectfully submits that the above-identified application is eligible for the "Green Technology Pilot Program" as materially contributing to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions.

As explained in the specification, a system and method for operating a multiple cylinder internal combustion engine having at least two spark plugs per cylinder include a first control wire coupled to a first spark plug of a first cylinder and a second spark plug of a second cylinder, and a second control wire coupled to a second spark plug of the first cylinder and a first spark plug of the second cylinder with the first and second spark plugs of the first cylinder being

selectively fired during the power stroke of the first cylinder and the first and second spark plugs of the second cylinder being selectively fired during the power stroke of the second cylinder to provide individual control of each spark plug using a number of control lines less than the number of spark plugs.

The systems and methods of the present disclosure can provide individual control of each spark plug associated with a common cylinder to more accurately control the combustion process while using only a total number of control lines corresponding to the number of cylinders to reduce cost and complexity of the control system. Individual spark plug control in a multiple spark plug per cylinder application facilitates selective simultaneous or offset firing of spark plugs associated with a common cylinder during the same phase of the combustion cycle. Every spark plug is under programmable control of the engine controller while using only a total of one control line or wire (and controller output) per cylinder to reduce controller and driver cost as well as overall system complexity. Better control over the combustion process afforded by the ability to individually control each spark plug in a multiple plug per cylinder application is expected to improve combustion efficiency and result in improved fuel economy. Improved fuel economy contributes to the conservation of natural resources while also reducing greenhouse gas emissions.

For the reasons above, it is respectfully submitted that the claimed invention will materially contribute to the more efficient utilization and conservation of energy resources and the reduction of greenhouse gas emissions.

The Application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a). The Application contains no more than three (3) independent claims and twenty (20) total claims. The Application does not contain multiple dependent claims. A first Office action has not yet appeared in the Patent Application Information Retrieval System (PAIR).

The publication fee under 37 C.F.R. § 1.18(d) of $300 has been paid upon filing. Please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

Respectfully submitted,

CHRIS PAUL GLUGLA

By: /David S. Bir/
David S. Bir
Reg. No. 38383
Attorney for Applicant

Date: March 3, 2011

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351

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.
12/045,736	03/11/2008	Chris Paul Glugla	81170050	9835

46535 7590 03/17/2011
BROOKS KUSHMAN P.C./FGTL/DSB
1000 Town Center
Twenty-Second Floor
Southfield, MI 48075

EXAMINER
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ART UNIT	PAPER NUMBER
3747	

MAIL DATE	DELIVERY MODE
03/17/2011	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD MI 48075-1238

In re Application of		
GLUGLA, CHRIS PAUL et al	:	DECISION ON PETITION
Application No. 12/045,736	:	TO MAKE SPECIAL UNDER
Filed: March 11, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81170050	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 7, 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**.

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.

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.

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. Petitioner states that the claimed invention relates to green technologies. This is not convincing. For example, it is not clear how the claimed computer floppy disk with software instructions will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. It is not clear how the claimed spark plug coupled to the controller and the total number of spark plug control wires less than the total number of spark plugs in the engine will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

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.

The application will be forwarded to the Technology Center Art Unit 3748 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CHRIS PAUL GLUGLA

Group Art Unit: 3747

Examiner: Hieu T. Vo

Serial No.: 12/045,736

Filed: March 11, 2008

For: MULTIPLE SPARK PLUG PER CYLINDER ENGINE WITH INDIVIDUAL PLUG CONTROL

Attorney Docket No.: 81170050

REQUEST FOR RECONSIDERATION OF PETITION FOR THE GREEN TECHNOLOGY PILOT PROGRAM

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Decision mailed March 17, 2011 dismissing the petition to make special under the green technology pilot program, Applicant has concurrently filed a Preliminary Amendment canceling claims directed to a computer readable storage medium. Applicant respectfully requests reconsideration based on the following comments.

As described in the Statement filed with the petition on March 7, 2011 explaining how the materiality standard was met, Applicant respectfully submits that the above-identified application is eligible for the "Green Technology Pilot Program" as materially contributing to the more efficient utilization and conservation of energy resources by improving fuel economy as well as reducing greenhouse gas emissions.

As recited in claim 1, for example, the invention is directed to an internal combustion engine that includes at least two spark plugs per cylinder to facilitate use with multiple fuels and alternative fuels that have different combustion characteristics compared to conventional

gasoline and diesel fuels. Furthermore, every spark plug is coupled to the engine controller by a control wire to provide individual control of each spark plug (in a manner that uses a number of wires less than the number of spark plugs). Individual control of each spark plug in a multi-plug per cylinder engine used for multi-fuel vehicles provides more accurate control of the combustion process leading to improved fuel economy and reducing greenhouse gas emissions. Improved fuel economy materially contributes to the conservation of energy resources. In addition, as claimed in various dependent claims, ionization sensing provides a feedback signal used to more accurately control the combustion process, which also improves fuel economy and reduces greenhouse gas emissions. The claimed arrangement (of claim 1, for example), facilitations ionization sensing by providing a separate control wire to each spark plug while reducing the total number of control wires for the engine.

Individual spark plug control in a multiple spark plug per cylinder application facilitates selective simultaneous or offset firing of spark plugs associated with a common cylinder during the same phase of the combustion cycle. Every spark plug is under programmable control of the engine controller while using only a total of one control line or wire (and controller output) per cylinder to reduce controller and driver cost as well as overall system complexity. Better control over the combustion process afforded by the ability to individually control each spark plug in a multiple plug per cylinder application is expected to improve combustion efficiency and result in improved fuel economy. Improved fuel economy contributes to the conservation of natural resources while also reducing greenhouse gas emissions.

For the reasons above, it is respectfully submitted that the claimed invention will materially contribute to the more efficient utilization and conservation of energy resources and the reduction of greenhouse gas emissions.

While Applicant respectfully disagrees with the Examiner's position with respect to the "computer readable media" claims, these claims have been canceled to obviate the only other deficiency identified in the decision dismissing the petition.

Applicant respectfully submits that all requirements have been met and respectfully requests the Examiner to reconsider and grant the petition to make special under the green technology pilot program.

Respectfully submitted,

CHRIS PAUL GLUGLA

By: /David S. Bir/
David S. Bir
Reg. No. 38383
Attorney for Applicant

Date: March 31, 2011

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351

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.
12/045,736	03/11/2008	Chris Paul Glugla	81170050	9835

46535 7590 04/12/2011
BROOKS KUSHMAN P.C./FGTL/DSB
1000 Town Center
Twenty-Second Floor
Southfield, MI 48075

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ART UNIT	PAPER NUMBER
3747	

MAIL DATE	DELIVERY MODE
04/12/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD MI 48075-1238

In re Application of		
GLUGLA, CHRIS PAUL et al	:	DECISION ON PETITION
Application No. 12/045,736	:	TO MAKE SPECIAL UNDER
Filed: March 11, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81170050	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 31, 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.

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.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

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

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3747 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : **02/02/12**

TO SPE OF : ART UNIT: **1624 Attn: WILSON JAMES O (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **12/045874** Patent No.: **7541353**

CofC mailroom date: 03/14/2011

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: Please check Claims 7 & 10
for the requested correction on the PTO/SB/44 Form

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1814 & 703-756-1593

Thank You For Your Assistance

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

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

Comments: _____

SPE **1624 Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : **02/02/12**

TO SPE OF : ART UNIT: **1624 Attn: WILSON JAMES O (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/045874 Patent No.: 7541353

CofC mailroom date: 03/14/2011

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: **Please check Claims 7 & 10**
for the requested correction on the PTO/SB/44 Form

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1814 & 703-756-1593

Thank You For Your Assistance

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

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

Comments: _____

SPE

1624
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : **3-28-12**

TO SPE OF : ART UNIT **2878**

SUBJECT : Request for Certificate of Correction for Appl. No.: **12045983** Patent No.: **8097841**

CofC mailroom date: **3-23-12**

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 – 9D40-E
Palm Location 7580

Note: _

Omega Lewis

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:_____

_____

_____

_____

Georgia Y. Epps — **SPE**

2878 — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

AUG 09 2010

OFFICE OF PETITIONS

McKeon Meunier Carlin & Curfman LLC
817 W. Peachtree Street, Suite 900
Atlanta GA 30308

In re Application of :
Matthew C. Coffey :
Application No. 12/046,095 :
Filed: March 11, 2008 :
Attorney Docket No. **10005-076US1** :

DECISION ON APPLICATION FOR PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)" filed July 20, 2010. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from 0 days to a 122 days.

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

On June 8, 2010, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 0 days. On July 20, 2010, applicants timely submitted the instant application for patent term adjustment[1].

Applicants maintain the patent term should be adjusted by 122 days, pursuant to 37 CFR 1.702(a)(2). Specifically, applicants state that:

> The PTO mailed a non-final Office Action on August 24, 2009; however, this action was withdrawn on December 14, 2009. The PTO did not mail a replacement action until January 6, 2010, more than four months after receipt of a a reply under 37 CFR 1.111. Applicants respectfully submit that PTO Delay of 122 days should have been accorded...

[1] The Office records show that the issue fee was received on July 20, 2010.

Excerpt taken from APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)" filed July 20, 2010, *pg. 2.*

37 CFR 1.702 provides that:

(a) Failure to take certain actions within specified time frames. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to:

(2) Respond to a reply under 35 U.S.C. 132 or to an appeal taken under 35 U.S.C. 134 not later than four months after the date on which the reply was filed or the appeal taken;

37 CFR 1.703 provides, in pertinent part, that:

(a) The period of adjustment under § 1.702(a) is the sum of the following periods:

(2) The number of days, if any, in the period beginning on the day after the date that is four months after the date a reply under § 1.111 was filed and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first[.]

OPINION

Applicants' arguments have been considered but are not persuasive. In light of the application history, it has been determined that no period of adjustment for Office delay pursuant to 37 CFR 1.702(a)(2) is warranted. It is undisputed that the Office mailed an action under 35 U.S.C. 132 in the form of a non-final Office action on August 24, 2009, within four months of the reply under 37 CFR 1.111 filed May 6, 2009. The subsequent mailing of another Office action under 35 U.S.C. 132 does not alter the date used in calculation of the period of adjustment. Pursuant to 35 U.S.C. 154(b)(1)(A)(ii), applicants are only entitled to day-to-day restoration of term lost as a result of delay created by the Office, after four months from the filing of the reply under 37 CFR 1.111 or appeal taken The fact that the Office later withdrew the non-final Office action does not negate the fact that the Office took action within the meaning of 37 CFR 1.702(a)(2) on August 24, 2009. Further, the

examiner does not have the authority to vacate, rescind, or withdraw an Office action. Unless vacated by the Technology Center Director, for purposes of calculating patent term adjustment, the action originally mailed by the examiner on August 24, 2009, will be used to calculate the amount of Office delay. Thus, it is correct for the Office to use the date of August 24, 2009, in calculating the period of adjustment, if any, due to the examination delay pursuant to 37 CFR 1.702(a)(2) and 37 CFR 1.703(a)(2). See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term; Final Rule, 65 Fed. Reg. 54366 (September 18, 2000). Accordingly, no period of adjustment to the patent term pursuant to 37 CFR 1.702(a)(2) will be entered.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance remains 0 days.

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.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

McKeon Meunier Carlin & Curfman LLC
817 W. Peachtree Street, Suite 900
Atlanta GA 30308

MAILED
FEB 16 2011
OFFICE OF PETITIONS

In re Patent No. 7,803,385 :
Matthew C. Coffey : DECISION ON APPLICATION
Issued: September 28, 2010 : FOR PATENT TERM ADJUSTMENT
Application No. 12/046,095 :
Filed: March 11, 2008 :
For: **REOVIRUSES HAVING** :
MODIFIED SEQUENCES

This is a decision on the "RESPONSE TO DECISION ON APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R § 1.705(d) AND REQUEST FOR RECONSIDERATION" filed October 6, 2010. Patentee requests that the determination of patent term adjustment under 35 U.S.C. § 154(b) be corrected from 0 days to a 122 days.

The petition to change patent term adjustment determination under 35 U.S.C. § 154(b) from 0 days to a 122 days is **DENIED**.

RELEVANT BACKGROUND

The United States Patent and Trademark Office (USPTO) entered an Office action under 35 U.S.C. § 132(a) (a restriction requirement) on March 12, 2009. A reply to the Office action of March 12, 2009 was filed on May 6, 2009.

The USPTO entered an Office action under 35 U.S.C. § 132(a) on August 24, 2009. The USPTO entered a subsequent Office action under 35 U.S.C. § 132(a) on January 6, 2010. The Office action of January 6, 2010 stated that: "Please note that the previous Office action of August 24, 2009 is vacated in favor of the instant Office action." A reply to the Office action of January

6, 2010 was filed on March 24, 2010, and was supplemented on May 6, 2010.

The USPTO entered a notice of allowance on June 8, 2010, which included a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 0 days.[1] On July 20, 2010, patentee timely submitted an application for patent term adjustment under 37 CFR 1.704(b),[2] arguing that a USPTO delay of 122 days should have been accorded pursuant to 37 CFR 1.703(a)(2). The matter was dismissed by a decision entered August 9, 2010.

By the instant petition, patentee again asserts that the patent term should be adjusted by 122 days, pursuant to 37 CFR 1.702(a)(2). In summary, patentee asserts that the Office action entered August 24, 2009, failed to meet the requirements of 35 U.S.C. § 132(a) and was vacated by a Supervisory Patent Examiner. Further, patentee notes that the August 24, 2009, non-final Office action was replaced by a non-final Office action entered January 6, 2010. Patentee contends that the period of adjustment to the patent term under 37 CFR 1.702(a)(2) and 1.703(a)(2) is properly calculated using the January 6, 2010, non-final Office action, rather than the August 24, 2009, non-final Office action.[3]

RELEVANT STATUTES

35 U.S.C. § 131 provides that:

> The 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.

---

[1] The initial determination of patent term adjustment of 0 days, included 0 days of Office delay and 0 days of applicant delay. As there was no Office delay or applicant delay after the mailing of the notice of allowance, the patent issued with a patent term adjustment of 0 days.

[2] The Office records show that the issue fee was received on July 20, 2010.

[3] The number of days beginning on the date that is four months after the date a reply was filed on May 6, 2009 (September 7, 2009), and ending on the date of mailing of the Office action of January 6, 2010, is 122 days.

35 U.S.C. § 132 provides that:

> (a) Whenever, 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; and if after receiving such notice, the applicant persists in his claim for a patent, with or without amendment, the application shall be reexamined. No amendment shall introduce new matter into the disclosure of the invention.
>
> (b) The Director shall prescribe regulations to provide for the continued examination of applications for patent at the request of the applicant. The Director may establish appropriate fees for such continued examination and shall provide a 50 percent reduction in such fees for small entities that qualify for reduced fees under section 41(h)(1) of this title.

35 U.S.C. § 133 provides that:

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

35 U.S.C. § 154(b)(1)(A), provides, in relevant part:

> Subject to the limitations under [35 U.S.C. § 154(b)(2)], if the issue of an original patent is delayed due to the failure of the Patent and Trademark Office to—
>
> respond to a reply under section 132, or to an appeal taken under section 134, within 4 months after

> the date on which the reply was filed or the appeal was taken;
>
> the term of the patent shall be extended 1 day for each day after the end of this [four-month period] until [the response] is taken.

DECISION

Patentee in essence argues that the Office action of January 6, 2010 "vacated" the Office action of August 24, 2009, and as such the Office action of August 24, 2009 should be treated as not having been issued for purposes of determining whether the issuance of the patent was delayed due to the failure of the USPTO to respond to applicant's reply of May 6, 2009 within four months after the date on which the reply was filed. Patentee's arguments have been considered but are not persuasive.

The vacatur of an Office action sets aside or withdraws any rejection, objection or requirement in an Office action, as well as the requirement that the applicant timely reply to the Office action to avoid abandonment under 35 U.S.C. § 133. The vacatur of an Office action signifies that the Office action has been set aside, voided, or withdrawn as of the date of the vacating Office action or notice. The vacatur of an Office action, however, does **not** signify that the vacated Office action is void *ab initio* and is to be treated as if the USPTO had never issued the Office action. The patent examination process provided for in 35 U.S.C. §§ 131 and 132 contemplates that Office actions containing rejections, objections or requirements will be issued, and that the applicant will respond to these Office action, "with or without amendment." (35 U.S.C. § 132(a)). The mere fact that an examiner or other USPTO employee upon further reflection determines that an Office action, or that a rejection, objection or requirement in an Office action, is not correct and must be removed does not warrant treating the Office action as void *ab initio* and as if the USPTO had never issued the Office action.

The USPTO appreciates that there may be situations in which it is appropriate to treat an Office action or notice issued in an application as void *ab initio* and as if the USPTO had never issued the Office action. However, these would be extremely

rare situations, such as the issuance of an Office action or notice by an employee who does not have the authority to issue that type of Office action or notice, the issuance of an Office action or notice in the wrong application, or the issuance of an Office action or notice containing language not appropriate for inclusion in an official document. In essence, the situations in which it is appropriate to treat an Office action or notice issued in an application as void *ab initio* and as if the USPTO had never issued the Office action are the situations in which it is appropriate to expunge an Office action or notice from the USPTO's record of the application. That is simply **not** the case in this situation.

Pursuant to 35 U.S.C. § 154(b)(1)(A)(ii), patentees are entitled to day-to-day adjustment if the USPTO delays the issuance of a patent by failing to respond to a reply by the applicant within four months from the filing of the reply. The record of the above-identified patent indisputably indicates that the USPTO entered an Office action under 35 U.S.C. § 132, specifically a non-final Office action, on August 24, 2009, within four months of the filing of a reply under 37 CFR 1.111 on May 6, 2009. The fact that the Office later set aside the non-final Office action of August 24, 2009 does not negate the fact that the Office responded within the meaning of 35 U.S.C. § 154(b)(1)(A)(ii) and 37 CFR 1.702(a)(2) on August 24, 2009 to the reply under 37 CFR 1.111 on May 6, 2009. Unless expunged from the record (which is not warranted in this situation), for purposes of calculating patent term adjustment, the Office action entered by the examiner on August 24, 2009, was properly used to determine whether the USPTO delayed the issuance of the above-identified patent by failing to respond to the reply of May 6, 2009 within four months from the filing of the reply under of 35 U.S.C. § 154(b)(1)(A)(ii) and 37 CFR 1.702(a)(2). *See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term*, 65 *Fed. Reg.* 54366 (Sept. 18, 2000) (final rule).

CONCLUSION

For the above-stated reasons, a review of the petition and file wrapper of the above-identified patent reveals that the above-identified patent is not entitled to a patent term extension or adjustment of 122 days. Therefore, the petition to change the

patent term adjustment indicated on the above-identified patent to 122 days is **denied**.

This decision may be viewed as final agency action. *See* MPEP § 1002.02(b).

Telephone inquiries specific to this matter should be directed to Kenya A. McLaughlin, Petitions Attorney at (571) 272-3222.

Robert W. Bahr
Acting Associate Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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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	:	
Nygren, Aaron	:	DECISION ON PETITION
Application No. 12/046,099	:	TO WITHDRAW
Filed: March 11, 2008	:	FROM RECORD
Attorney Docket No. QM000029	:	

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 22, 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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BALLARD SPAHR LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

MAILED
DEC 19 2011
OFFICE OF PETITIONS

In re Application of
Joel D. Pardee et al.
Application No. 12/046,120
Filed: March 11, 2008
Attorney Docket No.: **14183.0001 U2**

ON PETITION

This is a decision on the petition filed December 8, 2011, under 37 CFR 1.137(b)[1], to revive the above-identified application.

The petition is **GRANTED**.

A Restriction Requirement mailed April 13, 2011 set the longer of one month or thirty days as the period for reply. A three month extension of time was filed August 2, 2011 but no response to the Restriction Requirement having been timely filed, the application became abandoned August 17, 2011. Accordingly, a Notice of Abandonment was mailed December 8, 2011.

The petition fee in the amount of $930 has been applied to the finance records for the instant patent application.

The response to the Restriction Requirement filed April 13, 2011 will be referred to Technology Center 1653 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)).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

NOV 09 2010

OFFICE OF PETITIONS

In re Application of

Hudetz, Peter R.
Application No. 12/046,230
Filed: March 11, 2008
Attorney Docket No. **12287-17**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 14, 2010.

The request is **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 the customer did not provide a change of address.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110627

DATE : May 18, 2011

TO SPE OF : ART UNIT 2882

SUBJECT : Request for Certificate of Correction on Patent No.: 7922390

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

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

Thank You For Your Assistance **Certificates of Correction Branch**

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

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/Edward J Glick/
Supervisory Patent Examiner, Art Unit 2882

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.
12/046,337	03/11/2008	Kevin Holt	07-030-US (8632/91429)	1969

76260 7590 06/29/2011
FITCH EVEN TABIN AND FLANNERY
VARIAN MEDICAL SYSTEMS
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

EXAMINER
TANINGCO, ALEXANDER H

ART UNIT	PAPER NUMBER
2882	

MAIL DATE	DELIVERY MODE
06/29/2011	PAPER

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

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

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12/046,337	11 March 2008	HOLT ET AL.	07-030-US (8632/91429)

EXAMINER
ALEXANDER H. TANINGCO

ART UNIT	PAPER
2882	20110627

DATE MAILED:

FITCH EVEN TABIN AND FLANNERY
VARIAN MEDICAL SYSTEMS
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

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

Commissioner for Patents

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 9-27-11

TO SPE OF : ART UNIT 2817

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/046,338 Patent No.: 7924091

CofC mailroom date: 9-14-11

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

E Young

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:

C of C is unsigned

[signature]

SPE

2817

Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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Roeder & Broder LLP
5560 Chelsea Avenue
La Jolla, CA 92037

MAILED
SEP 30 2010
OFFICE OF PETITIONS

In re Application of	:	
Rob MARSLAND JR, et *al.*	:	
Application No. 12/046,353	:	DECISION GRANTING PETITION
Filed: March 11, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **20046.13/0802**	:	

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 16, 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 2828 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

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www.uspto.gov

NITESH RATNAKAR
ROUTE 3,
BOX 179-A
ELKINS WV 26241

MAILED
SEP 27 2011
OFFICE OF PETITIONS

In re Application of :
Ratnakar :
Application No. 12/046,358 : ON PETITION
Filed: March 11, 2008 :
Attorney Docket No. N/A :
For: LOCATION BASED PERSONAL ORGANIZER

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

The petition is **GRANTED**.

This application became abandoned for failure to properly respond to the final Office action, mailed October 27, 2010, which set an extendable three month period for reply. Applicant submitted an amendment after final on December 27, 2010. The amendment after final failed to place this application in *prima facie* condition for allowance, as was explained in the January 13, 2011 Advisory action. Accordingly, this application became abandoned on January 28, 2011. A Notice of Abandonment was mailed on June 24, 2011.

Applicant has submitted a RCE and $405.00 required fee and an amendment as the submission in reply to the October 27, 2010 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the October 27, 2010 final Office action, and the $810.00 petition fee.

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. Practitioner must notify the Office if this is not a correct reading of the statement appearing in the petition.

Furthermore, 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.

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.

All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

This application is being referred to Technology Center AU 2164 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 should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: KENNETH W. JARRELL
PATENT LEGAL COUNSEL, PLLC
2564 N. SQUIRREL RD #223
AUBURN HILLS, MI 48326

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/23/10

TO SPE OF : ART UNIT 3763

SUBJECT : Request for Certificate of Correction for Appl. No.: 12046375 Patent No.: 7648478

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

[redacted]

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: No comments provided. Manuel Mendez, Primary Patent Examiner, AU 3763.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE

Art Unit

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United States Patent and Trademark Office
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IPSG, P.C.
P.O. BOX 700640
SAN JOSE CA 95170

MAILED

AUG 01 2011

OFFICE OF PETITIONS

In re Application of	:	
Aaron Baalbergen et al.	:	
Application No. 12/046,393	:	DECISION ON PETITION
Filed: March 11, 2008	:	TO WITHDRAW
Attorney Docket No. PLTO-P003	:	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 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. 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 Joseph A. Nguyen, on behalf of all attorneys/agents associated with customer number 32986. All attorneys/agents associated with customer number 32986 have been withdrawn.

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Aaron Baalbergen
c/o Pluto Home, Inc.
1982-B Zanker Road
San Jose, CA 95112

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
12/046,393	03/11/2008	Aaron Baalbergen	PLTO-P003

CONFIRMATION NO. 1072

POWER OF ATTORNEY NOTICE

32986
IPSG, P.C.
P.O. BOX 700640
SAN JOSE, CA 95170

OC000000048979419

Date Mailed: 07/27/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/06/2011.

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

/kainabinet/

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

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IPSG, P.C.
P.O. BOX 700640
SAN JOSE CA 95170

MAILED

AUG 01 2011

OFFICE OF PETITIONS

In re Application of	:	
Aaron Baalbergen et al.	:	
Application No. 12/046,395	:	DECISION ON PETITION
Filed: March 11, 2008	:	TO WITHDRAW
Attorney Docket No. PLTO-P007	:	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 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. 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 Joseph A. Nguyen, on behalf of all attorneys/agents associated with customer number 32986. All attorneys/agents associated with customer number 32986 have been withdrawn.

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Aaron Baalbergen
c/o Pluto Home, Inc.
1982-B Zanker Road
San Jose, CA 95112

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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
12/046,395	03/11/2008	Aaron Baalbergen	PLTO-P007

CONFIRMATION NO. 1074

32986
IPSG, P.C.
P.O. BOX 700640
SAN JOSE, CA 95170

POWER OF ATTORNEY NOTICE

OC000000048978923

Date Mailed: 07/27/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/06/2011.

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

/kainabinet/

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

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IPSG, P.C.
P.O. BOX 700640
SAN JOSE, CA 95170

MAILED
JUL 18 2011
OFFICE OF PETITIONS

In re Application of Baalbergen et al. Application No. 12/046,399 Filed: March 11, 2008 Attorney Docket No. PLTO-P008	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 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 Joseph A. Nguyen on behalf of all the practitioners of record associated with Customer Number 32986.

Customer Number 32986 has been withdrawn as attorney 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.

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: AARON BAALBERGEN
REPRESENTATIVE OF PLUTO HOME, INC.
1982-B ZANKER RD
SAN JOSE, CA 95112

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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
12/046,399	03/11/2008	Aaron Baalbergen	PLTO-P008

CONFIRMATION NO. 1079

POWER OF ATTORNEY NOTICE

32986
IPSG, P.C.
P.O. BOX 700640
SAN JOSE, CA 95170

OC000000048833357

Date Mailed: 07/18/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/06/2011.

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

/akelley-collier/

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

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IPSG, P.C.
P.O. BOX 700640
SAN JOSE CA 95170

MAILED

AUG 01 2011

OFFICE OF PETITIONS

In re Application of	:	
Aaron Baalbergen et al.	:	
Application No. 12/046,400	:	DECISION ON PETITION
Filed: March 11, 2008	:	TO WITHDRAW
Attorney Docket No. PLTO-P004	:	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 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. 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 Joseph A. Nguyen, on behalf of all attorneys/agents associated with customer number 32986. All attorneys/agents associated with customer number 32986 have been withdrawn.

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Aaron Baalbergen
c/o Pluto Home, Inc.
1982-B Zanker Road
San Jose, CA 95112

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	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/046,400	03/11/2008	Aaron Baalbergen	PLTO-P004

CONFIRMATION NO. 1083

POWER OF ATTORNEY NOTICE

32986
IPSG, P.C.
P.O. BOX 700640
SAN JOSE, CA 95170

OC000000049015221

Date Mailed: 07/28/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/06/2011.

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

/kainabinet/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

MAILED

MAY 20 2011

OFFICE OF PETITIONS

In re Application of	:	
GRUIA, et al	:	
Application No. 12/046,406	:	DECISION ON PETITION
Filed: March 11, 2008	:	TO WITHDRAW
Attorney Docket No. TEGR003	:	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 31, 2011.

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

A review of the file record indicates that the power of attorney to Michael A. Glenn and all the attorneys of record, has been revoked by the assignee of the patent application on May 10, 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 Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: TEGRITY, INC.
2520 MISSION COLLEGE BOULEVARD
SUITE 101
SANTA CLARA CA 95054-2904

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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
12/046,406	03/11/2008	Harel Gruia	TEGR0003

CONFIRMATION NO. 1096

POA ACCEPTANCE LETTER

6449
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

OC000000047698120

Date Mailed: 05/17/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/10/2011.

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.

/dcgoodwyn/

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/046,406	03/11/2008	Harel Gruia	TEGR0003

CONFIRMATION NO. 1096

POWER OF ATTORNEY NOTICE

22862
GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

OC000000047698083

Date Mailed: 05/17/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/10/2011.

- 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

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MCDERMOTT, WILL & EMERY
11682 EL CAMINO REAL
SUITE 400
SAN DIEGO, CA 92130-2047

MAILED
AUG 05 2010
OFFICE OF PETITIONS

In re Application of	:
Sanjay Bhanot, et al.	:
Application No. 12/046,421	: DECISION ON PETITION
Filed: March 11, 2008	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. BIOL0001US.C3	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 12, 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 **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.

Telephone inquiries concerning this matter may be directed to April M. Wise at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1635 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
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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
12/046,421	03/11/2008	1635	1428	BIOL0001US.C3	24	1

CONFIRMATION NO. 1122

CORRECTED FILING RECEIPT

OC000000042894123

71476
McDermott Will & Emery
11682 EL CAMINO REAL
SUITE 400
SAN DIEGO, CA 92130-2047

Date Mailed: 08/05/2010

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

Applicant(s)

Sanjay Bhanot, Carlsbad, CA;
Lex M. Cowsert, New Braunfels, TX;
Jacqueline R. Wyatt, Sundance, WY;
Brett P. Monia, Encinitas, CA;
Madelline M. Butler, Rancho Santa Fe, CA;
Robert McKay, Oceanside, CA;
Susan M. Freier, San Diego, CA;
Kenneth W. Dobie, Del Mar, CA;

Assignment For Published Patent Application

Isis Pharmaceuticals, Inc., Carlsbad, CA

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 11/194,776 08/01/2005 ABN
which is a CON of PCT/US04/02003 02/06/2004
which is a CIP of 10/360,510 02/07/2003 PAT 7,179,796
which is a CIP of 09/854,883 05/14/2001 ABN
This application 12/046,421
is a CIP of 11/008,747 12/09/2004 PAT 7,563,884
which is a CON of 09/854,883 05/14/2001 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 10/16/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/046,421**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

ANTISENSE MODULATION OF PTP1B EXPRESSION

Preliminary Class

514

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/046,437	03/11/2008	Chiu-Yuan Lin	23546-US-PA	1147

7590 02/18/2011
JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER
MORTELL, JOHN F

ART UNIT	PAPER NUMBER
2612	

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.

Nimi Farnes

Patent Publication Branch
Office of Data Management

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MAILED
JUN 13 2011
OFFICE OF PETITIONS

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI 100
TAIWAN

In re Patent of Okayasu et al.	:	
Patent No. 7,774,081	:	
Issue Date: August 10, 2010	:	Letter
Application No. 12/046,457	:	
Filing Date: March 12, 2008	:	
Attorney Docket No. 21922-US-187(CA)	:	

This is a letter in response to the request under 37 CFR 3.81 filed May 20, 2011, which requests issuance of a certificate of correction to correct assignee data on the front page of the patent.

The request under 37 CFR 3.81 is **GRANTED**.

37 CFR 3.81(b) states,

> Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

The request satisfies the requirements set forth in 37 CFR 3.81(b). Therefore, the request is granted.

The $100 fee required for the certificate of correction has been charged to Deposit Account No. 50-2620 pursuant to the general fee authorization set forth in the request.

The Certificates of Correction Branch will be informed of the instant decision and will issue the requested certificate of correction in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of	:	
SULLENDER	:	
Application No. 12/046,464	:	DECISION ON PETITION
Filed: March 12, 2008	:	TO WITHDRAW
Attorney Docket No. EY1-0002US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed January 28, 2011.

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 Lewis C. Lee does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

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

cc: MARGARET M. ANDERSON
106 E. 6TH STREET, SUITE 900
AUSTIN, TX 78701

UNITED STATES PATENT AND TRADEMARK OFFICE

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

AURELE OUELLETTE
106
3591 GOUIN E.
MONTREAL QC H1H 5V7 CA CANADA

MAILED

AUG 19 2010

OFFICE OF PETITIONS

In re Application of
Aurele Ouellette
Application No. 12/046,516
Filed: March 12, 2008
Attorney Docket No.: None

ON PETITION

This is a decision in response to the petition, filed June 18, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed November 2, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on December 3, 2009. A Notice of Abandonment was subsequently mailed on June 8, 2010. On June 18, 2010, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the response in the form of an election of the invention to be examined; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 3643 for appropriate action by the Examiner in the normal course of business on the reply received June 18, 2010.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6/27/2011

TO SPE OF : ART UNIT 1623

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/046539 Patent No.: 7678555 B2

CofC mailroom date: 5/2/2011

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: _____

Virginia Tolbert

Certificates of Correction Branch

(571) 272-0460

Thank You For Your Assistance

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

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

Comments: Applicant fails to explain why the calculation is in error. Additionally, Applicant is attempting to go back the amendment 9/28/09 which is NOT allowable.

SPE

1623
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

July 27, 2011

Raymund F. Eich
Williams, Morgan & Amerson, P.C.
10333 Richmond
Suite 1100
Houston, TX 77042

Patent No: 7,678,555 B2
Application No: 12/046,539
Applicant: Barrie Norman,
Issued: March 16, 2010
Title: **PRODUCTION OF CRYSTALLINE SHORT CHAIN AMYLOSE**

Request for Certificate of Correction:

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

The alleged errors in your request cannot be corrected per the examiner "applicant fails to explain why the calculation is in error. Additionally, applicant is attempting to go back to the amendment of 09/28/09 which is not allowable".

In view of the foregoing your request in these matters are hereby **denied**.

Further correspondence concerning this matter should be directed to Decisions and Certificate of Correction Branch.

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

vt

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 9/8/2011

TO SPE OF : ART UNIT 1623

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/046539 Patent No.: 7678555 B2

CofC mailroom date: 8/30/2011

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.
- XXXXXX **Denied** — State the reasons for denial below.

Comments: The C of C is denied since the correction if approved will significantly broaden the range of enzyme amount recited in the claims allowed and issued. That is not to correct an obvious error.

/S. A. Jiang/ — **SPE**

1623 — **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 9/8/2011

TO SPE OF : ART UNIT 1623

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/046539 Patent No.: 7678555 B2

CofC mailroom date: 8/30/2011

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.
- XXXXXX **Denied** — State the reasons for denial below.

Comments: The C of C is denied since the correction if approved will significantly broaden the range of enzyme amount recited in the claims allowed and issued. That is not to correct an obvious error.

/S. A. Jiang/ — **SPE**

1623 — **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

October 12, 2011

Williams, Morgan & Amerson, P.C.
10333 Richmond Avenue
Suite 1100
Houston, TX 77042

Patent No: 7,678,555 B2
Application No: 12/046,539
Applicant: Barrie Norman, et al.
Issued: March 16, 2010
Title: **PRODUCTION OF CRYSTALLINE SHORT CHAIN AMYLOSE**

Request for Certificate of Correction:

Consideration has been given to your request for the issuance of a certificate of correction for the above- identified patent under the provisions of Rule 1.322/1.323.

The errors complained of in your request cannot be corrected per the examiner "if approved will significantly broaden the range of enzyme amount recited in the claims allowed and issue.

In view of the foregoing your request in this matter is hereby **denied**.

Further correspondence concerning this matter should be directed to Decisions and Certificate of Correction Branch.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
(571) 272-0460

vt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 14,2011

In re Application of :

Man-seok Kang

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12046546

Filed : 12-Mar-2008

Attorney Docket No : 1101.0120C1

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 14,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid 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 2422 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	12046546
Filing Date	12-Mar-2008
First Named Inventor	Man-seok Kang
Art Unit	2422
Examiner Name	MICHAEL LEE
Attorney Docket Number	1101.0120C1
Title	INFORMATION STORAGE MEDIUM CONTAINING SUBTITLES AND PROCESSING APPARATUS THEREFOR

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	/Randall S. Svihla/
Name	Randall S. Svihla
Registration Number	56273

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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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

MAILED
JAN 3 1 2011
OFFICE OF PETITIONS

In re Application of :
Toshio Myata, et al. :
Application No.: 12/046,547 : ON PETITION
Filed: March 12, 2008 :
Attorney Docket No.: 56675 :

This is a decision on the petition, filed January 27, 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 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1626 for further processing of the request for continued examination pursuant to 37 CFR 1.114.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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MAILED
JUL 27 2011
OFFICE OF PETITIONS

MYERS BIGEL SIBLEY & SAJOVEC, P.A.
P.O. BOX 37428
RALEIGH, NC 27627

In re Application of :
Nicholas W. Medendorp, Jr., et al. :
Application No.: 12/046,549 : ON PETITION
Filed: March 12, 2008 :
Attorney Docket No.: 5308-689IP :

This is a decision on the petition, filed July 27, 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 not signed by a registered practitioner of record. However, in accordance with 37 CFR 1.34, the signature of Elizabeth A. Stanek appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party on whose behalf she acts.

The petition is **GRANTED**.

The 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 13, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2885 for further processing of the request for continued examination under 37 CFR 1.114, including consideration of the concurrently filed amendment.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/046,552	03/12/2008	Man-seok Kang	1101.0120C2	1363

89980 7590 08/04/2011
NSIP LAW
P.O. Box 34688
Washington, DC 20043

EXAMINER
LEE, MICHAEL

ART UNIT	PAPER NUMBER
2422	

NOTIFICATION DATE	DELIVERY MODE
08/04/2011	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):

info@nsiplaw.com
uspto@nsiplaw.com
nsiplaw@gmail.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

NSIP LAW
P.O. BOX 34688
WASHINGTON DC 20043

In re Application of: KANG et al. Application No. 12/046552 Filed: March 12, 2008 Docket No. 1101.0120C2 Title: INFORMATION STORAGE MEDIUM CONTAINING SUBTITLES AND PROCESSING APPARATUS THEREFOR	)))))))	**DECISION ON PETITION UNDER 37 C.F.R. § 1.181**

This is a decision on the request, filed on April 15, 2011 to remove information from the above identified application. The request is treated as a petition under 37 CFR § 1.181.

The petition is **GRANTED**.

RELEVANT PROSECUTION HISTORY

Feb 2, 2009	Information Disclosure Statement (IDS) filed - including the listing of U.S. Publication 2004/202454
July 26, 2010	First Office Action mailed – all references listed on IDS filed Feb 2, 2002 were indicated as considered by the examiner.
Feb 4, 2011	Request for Corrected Notice of Allowance filed requesting (among other things) U.S. Publication 2004/202454 to be crossed out from the IDS listing
Feb 18, 2011	Corrected communication mailed - including IDS filed Feb 2, 2002 with U.S. Publication 2004/202454 crossed out by examiner in response to the request filed Feb 4, 2011
April 15, 2011	The instant request filed to remove the U.S. Publication 2004/202454 reference from being printed as "Reference Cited" section of the patent that is issued from the instant application

DECISION

In light of the examiner's corrected communication mailed Feb 18, 2011 where the U.S. Publication 2004/202454 was being crossed out from the IDS as not being considered; it is concluded that the U.S. Publication 2004/202454 reference is not a reference considered by the examiner.

The IDS communication mailed to applicant July 26, 2010 where examiner indicated all references were considered is removed from the file. Only the IDS of the corrected communication mailed Feb 18, 2011 (with U.S. Publication 2004/202454 crossed) will remain in the file as being the list of references considered for the IDS filed Feb 12, 2009.

The petition is hereby **GRANTED**.

It is noted that the instant application has been published on June 26, 2008. Thus, the IDS submitted on Feb 12, 2009 has already been made available to the public and subject to copying by the public. According, the Office cannot guarantee that the information being closed as a result of this decision was not previously accessed by the public.

Petitioner is also reminded that MPEP 608.01 and3 7 CFR 1.78 (2)(1) include a provision for cross references and other related application to be identified.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-4147.

If attempts to reach the undersigned by telephone are unsuccessful, Beatriz Prieto, Quality Assurance Specialist, can be reached at (571) 272-3902.

/Kim Huynh/

Kim Huynh,
Quality Assurance Specialist
Technology Center 2400
Network, Multiplexing, Cable and Security

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 22,2011

In re Application of :

Man-seok Kang

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12046552

Filed : 12-Mar-2008

Attorney Docket No : 1101.0120C2

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 22,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2422 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	12046552
Filing Date	12-Mar-2008
First Named Inventor	Man-seok Kang
Art Unit	2422
Examiner Name	MICHAEL LEE
Attorney Docket Number	1101.0120C2
Title	INFORMATION STORAGE MEDIUM CONTAINING SUBTITLES AND PROCESSING APPARATUS THEREFOR

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	/Randall S. Svihla/
Name	Randall S. Svihla
Registration Number	56273

UNITED STATES PATENT AND TRADEMARK OFFICE

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Striker, Striker & Stenby
103 East Neck Road
Huntington NY 11743

MAILED
AUG 30 2010
OFFICE OF PETITIONS

In re Application of	:	
Karl-Bernd Huettenbrink et al.	:	
Application No. 12/046,577	:	DECISION ON PETITION
Filed: March 12, 2008	:	
Attorney Docket No. **4374**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 5, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit formal drawings on or before June 22, 2010, as required by the Notice of Allowability, mailed March 22, 2010. Accordingly, the date of abandonment of this application is June 23, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal drawings , (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Data Management for processing into a patent.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/046,611	03/12/2008	Timothy Brian Cupka	1493-009	1457

32905 7590 11/09/2010
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
FOX, DAVID T

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
11/09/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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NOV 0 9 2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:	:
Timothy Brian Cupka	:
Serial No.: 12/046,611	: PETITION DECISION
Filed: March 12, 2008	:
Attorney Docket No.: **1493-009**	

This is in response to the petition under 37 CFR § 1.59(b), filed October 21, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on October 21, 2010, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/046,611	03/12/2008	Timothy Brian Cupka	1493-009	1457

32905 7590 11/09/2011
JONDLE & ASSOCIATES, P.C.
858 HAPPY CANYON ROAD, SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
FOX, DAVID T

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
11/09/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

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NOV 0 9 2011

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:	
Timothy B. Cupka	: PETITION DECISION
Serial No.: 12/046,611	
Filed: March 12, 2008	
Attorney Docket No.: **1493-009**	

This is in response to the renewed petition under 37 CFR § 1.59(b), filed October 27, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on October 21, 2010 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : October 22, 2010

TO SPE OF : ART UNIT 1624
SUBJECT : Request for Certificate of Correction for Appl. No/12/046620-7807687

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Magdalene Talley

Certificates of Correction Branch

571-272-0423 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

Approved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

SPE 1624 **Art Unit**

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SEP 09 2011
OFFICE OF PETITIONS

Baker Botts L.L.P
910 Louisiana Street, One Shell Plaza
HOUSTON TX 77002

In re Application of	:	
Huang et al.	:	
Application No. 12/046,665	:	DECISION ON PETITION
Filed: March 12, 2008	:	UNDER 37 CFR 1.55(c)
Attorney Docket No. 016295.3157	:	

This is a decision on the petition, filed August 25, 2011, captioned under 37 CFR 1.78(a), which will be treated under 37 CFR 1.55(c), to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of Chinese Application No. 2007101675447, filed October 26, 2007.

The petition is **DISMISSED as moot**.

35 U.S.C. 120 provides, in pertinent part:

> An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, which is filed by an inventor or inventors named in the previously filed application shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application.

Applicants have claimed benefit to Chinese Application No. 2007101675447, filed October 26, 2007. Chinese Application No. 2007101675447 is neither an application filed in the United States, nor an international application designating the United States. Therefore, 37 CFR 1.78(a)(3) does not apply.

Instead, 37 CFR 1.55(c) would be the appropriate rule to cite when filing a delayed claim of foreign priority.

However, the petition is dismissed as moot because the application as-filed included a reference to the foreign application in the executed declaration filed on March 12, 2008. A priority claim need not be in any special form and may be a statement signed by a registered attorney or agent. A priority claim can be made on filing by including a copy of an unexecuted or executed oath or

declaration specifying a foreign priority claim (see 37 CFR 1.63(c)(2)). The executed declaration lists Chinese Application No. 2007101675447, filed October 26, 2007, and priority to it was claimed. Because a proper priority claim was included in the executed declaration, a petition under 37 CFR 1.55(c) is unnecessary. Deposit account no. 50-2148 will be refunded the $1,410.00 surcharge submitted with the present petition.

Please note Chinese Application No. 2007101675447, filed October 26, 2007, was listed under "Foreign Applications" on the official filing receipt mailed March 24, 2008.

The certified copy of the foreign application specified in 35 U.S.C. 119(b) must, in any event, be filed before the patent is granted.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230.

The application is being referred to Technology Center A.U. 2614 for the examiner of record's consideration of the amendment filed August 25, 2011.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/046,666	03/12/2008	Richard H. Heimbrock	N1-17257	1553

63565 7590 07/13/2011
HILL-ROM SERVICES, INC.
Legal Dept., Mail Code K04
1069 State Road 46 East
BATESVILLE, IN 47006

EXAMINER
LIU, JONATHAN

ART UNIT	PAPER NUMBER
3673	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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JUL 1 3 2011

HILL-ROM SERVICES, INC.
Legal Dept., Mail Code K04
1069 State Road 46 East
BATESVILLE IN 47006

In re Application of Richard H. Heimbrock et al.	:	DECISION ON PETITION
Appl. No. 12/046,666	:	TO WITHDRAW FINALITY
Filed: March 12, 2008	:	OF OFFICE ACTION
For: ADJUSTABLE SIDERAIL AND LOCK	:	UNDER 37 CFR 1.181

This is a decision on applicants' petition under 37 CFR 1.181 filed on March 8, 2011 to withdraw the finality of the Office action mailed on December 22, 2010, and to request entry of the amendment after final filed on February 22, 2011.

The petition is **DISMISSED AS MOOT.**

Applicants argue that the finality of the Office action mailed on December 22, 2010 was premature because it contained a new ground of rejection not necessitated by applicants' amendments. Applicants contend that the amendment after final dated February 22, 2011 should be entered because said amendment intends to replace an obviously erroneous reference to "Spring end" with a corrected reference to "Spacer end", and amend claim 29 to address the examiner's §112 concerns by clarifying the spatial relationship among the spring, the cam and the indexed spacer.

A review of the record reveals that a non-final Office action was mailed on August 4, 2010 rejecting the elected claims 1-8, 10, 13-20 and 28-33. Applicants submitted an amendment to the claims 1 and 29, and arguments on October 12, 2010. A final Office action was mailed on December 22, 2010. Applicants filed an amendment after final on February 22, 2011. An advisory action was mailed on March 3, 2011 wherein the examiner denied entry of the after final amendment on the grounds that said amendment does not place the application on condition for allowance. Subsequently, applicants filed a petition on March 8, 2011 under 37 CFR 1.181 to withdraw the finality of the December 22, 2010 Office action. A Request for Continued Examination (RCE) was later submitted on March 22, 2011.

MPEP 706.07 (h) which states that "the Office will withdraw the finality of any Office action and the submission will be entered and considered."

The record shows that the Request for Continued Examination (RCE) and the associated fee were timely submitted after the final rejection. The RCE was processed to withdraw the

finality of the Office action of December 22, 2010 and the after final amendment filed on February 22, 2011 was entered in accordance to Rule 37 CFR 1.114 and MPEP 706.07 (h) cited above.
Therefore, the petition filed under 37 CFR 1.181 to withdraw the finality of the office action of December 22, 2010 and request entry of the after final amendment of February 22. 2011 is moot based on the submission of the RCE. The RCE fee will not be refunded as it was a required part of the RCE submission.

Any questions regarding this decision should be directed to Quality Assurance Specialist Lanna Mai at 571-272-6867.

David L. Talbott, Director
Technology Center 3600
571-272-5150

lm:6/28/11

LM

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : October 22, 2010

TO SPE OF : ART UNIT 3617
SUBJECT : Request for Certificate of Correction for Appl. No/12/046702 -7803025

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Magdalene Talley

Certificates of Correction Branch
571-272-0423 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved**	All changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

3617

SPE **Art Unit**

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

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MAR 23 2012
OFFICE OF PETITIONS

In re Patent No. 8,072,178 :
Issued: December 6, 2011 :
Application No. 12/046,706 : ON PETITION
Filed: March 12, 2008 :
Attorney Docket No. **2294.1114** :
For: **IMAGE FORMING APPARATUS AND METHOD**

This is a decision on the "Petition to Have Supplemental Declaration Accepted under 37 CFR 1.67", filed February 16, 2012.

The petition is **dismissed.**

The above-cited application matured into U.S. Patent No. 8,072,178 on December 6, 2011. As the prosecution has closed and the patent issued, it is not appropriate to enter the supplemental declaration in the application. Petitioner may file a request for Certificate of Correction pursuant to 37 CFR 1.323.

Questions regarding the Certificate of Correction may directed to the Certificate of Corrections Branch. Questions regarding this decision may 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	12046709
Filing Date	12-Mar-2008
First Named Inventor	Yukio Takabayashi
Art Unit	2882
Examiner Name	MICHAEL LIU
Attorney Docket Number	10039468US01
Title	EXPOSURE APPARATUS TO CORRECT POSITION BETWEEN RETICLE AND SUBSTRATE ACCORDING TO PROPAGATION TIME AND SHIFTING RATE

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:
(1) Petition fee; and
(2) One of the following reasons:
(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☐ Applicant(s) status remains as SMALL ENTITY.

☒ Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

○ One or more claims are unpatentable

◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)

○ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request,submission, and fee.

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on

☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

○ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

◉ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

○ A sole inventor

○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

○ A joint inventor; all of whom are signing this e-petition

○ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Michael Nornberg/
Name	Michael Nornberg
Registration Number	46502

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : March 19, 2012

In re Application of :

Yukio Takabayashi

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12046709

Filed : 12-Mar-2008

Attorney Docket No : 10039468US01

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 19, 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 2882 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 02 2010
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
SUZUKI, TOMOHARU, et al.	:	DECISION ON REQUEST TO
Application No. 12/046,715	:	PARTICIPATE IN PATENT
Filed: March 12, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. **Q107034**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 15, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Kenneth A. Wieder/

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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TECHNOLOGY CENTER 2600

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
SUZUKI, TOMOHARU, et al.	:	DECISION ON REQUEST TO
Application No. 12/046,724	:	PARTICIPATE IN PATENT
Filed: March 12, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. **Q107067**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 16, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Kenneth A. Wieder/

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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

SEP 26 2011

OFFICE OF PETITIONS

In re Application of	:	
Takao Nishimura	:	
Application No. 12/046,893	:	DECISION GRANTING PETITION
Filed: March 12, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 081046	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 23, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 13, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2835 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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STEPHEN B. SALAI, ESQ.
HARTER SECREST & EMERY LLP
1600 BAUSCH & LOMB PLACE
ROCHESTER, NY 14604-2711

MAILED
AUG 30 2010
OFFICE OF PETITIONS

In re Application of :
David Viglione :
Application No. 12/046,958 : ON PETITION
Filed: March 12, 2008 :
Attorney Docket No. 89200.000021

This is a decision on the petition, filed August 27, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 18, 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 2862 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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Alexandria, VA 22313-1450
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William H. Dippert
Eckert Seamans Cherin & Mellott, LLC
U.S. Steel Tower
600 Grant Street, 44th Floor
Pittsburgh PA 15219

MAILED
AUG 02 2011
OFFICE OF PETITIONS

In re Application of	:	
Farid Daud	:	
Application No. 12/046,974	:	DECISION ON PETITION
Filed: March 12, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 298856-00079	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 6, 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 photocopy of inventor's passport. 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 3748 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

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MAY 09 2011

OFFICE OF PETITIONS

In re Application of

Bloom, et al. :

Application No. 12/047,012

: DECISION ON PETITION

Filed: March 12, 2008

:

Attorney Docket No. **P/4525-62 (V7097)**

This is a decision on the petition under 37 CFR 1.137(b), filed March 17, 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 April 7, 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 July 8, 2010. A Notice of Abandonment was mailed November 4, 2010.

The amendment filed March 17, 2011, is noted.

The application is being forwarded to Technology Center 1700, GAU 1781 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

MAILED
JUL 27 2011
OFFICE OF PETITIONS

In re Application of	:	
DE PAIVA CORTES, et al	:	
Application No. 12/047,019	:	ON PETITION
Filed: March 12, 2008	:	
Attorney Docket No. 033794/341885	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 5, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 21, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). A three (3) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is June 22, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

The petition fee of $1620 has been charged to Deposit Account No. 16-0605, as authorized.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 1763 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/23/11

TO SPE OF : ART UNIT 3775

SUBJECT : Request for Certificate of Correction for Appl. No.: 12047048 Patent No.: 7776077

CofC mailroom date: 12/13/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
[redacted]

Note: **Should the changes to claim 13 be approved?**

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

X Approved — **All** changes apply.

☐ **Approved in Part** — Specify below which changes **do not** apply.

☐ **Denied** — State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

/Thomas Barrett/ — **SPE**

3775 — **Art Unit**

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12047215	Confirmation Number	2566	Filing Date	2008-03-12
Attorney Docket Number (optional)	05457-112USU1	Art Unit	3745	Examiner	
First Named Inventor	Douglas M. DeBenedictis				
Title of Invention	Fluid-Type Absorption Dynamometer Having an Enhanced Power Range				

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
David		Japikse	

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	/Morgan S. Heller II/	Date (YYYY-MM-DD)	2011-04-04
Name	Morgan S. Heller II	Registration Number	44756

PTO/SB/130 (07-09)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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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
Douglas M. DeBenedictis

Application No. 12047215

Filed: March 12,2008

Attorney Docket No. 05457-112USU1

: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 06-APR-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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Wheelock Chan LLP
2880 Zanker Road
Suite 109
San Jose CA 95134

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DEC 07 2010

OFFICE OF PETITIONS

In re Application of
Ma, et al.
Application No. 12/047,222
Filed: March 12, 2008
Atty. Dkt. No.: 278232000300

: DECISION ON PETITION

This decision is in response to the petition under 37 CFR 1.137(b), filed November 16, 2010.

The petition is **GRANTED**.

The application became abandoned March 10, 2010 for failure to timely submit a proper reply to the non-final Office action mailed December 9, 2009. The non-final Office action set a three month shortened statutory period of time for reply. No petition for extension of time under 37 CFR 1.136(a) was timely filed. Notice of Abandonment was mailed June 22, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being forwarded to Group Art Unit 2825 for further processing.

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

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JUL 29 2011
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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:
Badros, et al.	: DECISION ON PETITION
Application No. 12/047,239	:
Filed: March 12, 2008	:
Atty. Dkt. No.: 16113-0469001/ GP-1140-00	:

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed June 9, 2011.

The application was held abandoned for failure to timely submit a proper reply to the non-final Office action mailed October 5, 2010. Notice of Abandonment was mailed June 9, 2011.

Petitioner asserts that a reply was timely filed January 7, 2011.

The reply filed July 1, 2009, bearing a certificate of mailing date of June 27, 2009, 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 3682 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

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SCHWABE, WILLIAMSON & WYATT, P.C.
1420 FIFTH AVENUE, SUITE 3400
SEATTLE WA 98101-4010

MAILED
SEP 08 2011
OFFICE OF PETITIONS

In re Application of :
Sharalyn S. Ramm et al. :
Application No. 12/047,268 : ON PETITION
Filed: March 12, 2008 :
Attorney Docket No. 122862-181595 :

This is a decision on the petition under 37 CFR 1.137(b)[1], filed September 1, 2011 to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned June 3, 2010 for failure to timely file a reply to the final Office action mailed March 2, 2010. Accordingly, a Notice of Abandonment was mailed September 28, 2010.

Petitioner has submitted a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

This matter is being referred to Technology Center 3636 for processing of the RCE.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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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)).

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SCOTT T. GRIGGS
17950 PRESTON ROAD
SUITE 1000
DALLAS TX 75252

MAILED
NOV 08 2010
OFFICE OF PETITIONS

In re Application of	:	
Robert E. Nimon	:	DECISION REFUSING STATUS
Application No. 12/047,281	:	ON PETITION
Filed: March 12, 2008	:	
Attorney Docket No. 1037.1010	:	

This is a decision on the petitions filed August 3, 2010 which are being collectively being treated as (1) a request under 37 CFR 1.48(a) to amend the inventive entity by the addition of inventors Francis Dinha and James Yonan, (2) a petition under 37 CFR 1.183, requesting waiver of 37 CFR 1.48(a)(2) which requires a statement from the person being added, and (3) as authorized by 37 CFR 1.48(a)(3), a petition under 37 CFR 1.47, to accept the declaration filed August 3, 2010, which lacks the signature of the inventors being added Francis Dinha and James Yonan required by 37 CFR 1.63.

The petitions are **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR §§1.47(a), 1.183 and 1.48(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration and a statement of lack of deceptive intent executed by the currently non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in a nonprovisional application, and such error arose without any deceptive intention on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the inventorship of the nonprovisional application may be amended to name only the actual inventor or inventors.

In those instances wherein a request under 37 CFR 1.48(a) and a petition under 37 CFR 1.47 have both been filed in an application, the Office of Petitions may first issue a decision on the request under 37 CFR 1.48(a) so as to determine the appropriate oath or declaration under 37 CFR 1.63 required for the petition under 37 CFR 1.47. In those situations where, as here, an inventor to be added refuses to submit a statement supporting the addition or such party cannot be reached, waiver under 37 CFR 1.183 of the requirement for a statement from that party would be appropriate upon a showing of such refusal or

inability to reach the inventor. Every existing assignee of the original named inventors must give its consent to the requested correction. Where there is more than one assignee giving its consent, the extent of that interest (percentage) should be shown. Where no assignment has been executed by the inventors, or if deletion of a refusing inventor is requested, waiver will not be granted absent unequivocal support for the correction sought. Petitions under 37 CFR 1.47 are not applicable to the requirement for statements from each originally named inventor.

37 CFR 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

(1) A request to correct the inventorship that sets forth the desired inventorship change;

(2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;

(4) The processing fee set forth in § 1.17(i); and

(5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b).

The request under 37 CFR 1.48(a) lacks compliance with item (2).

The petition requesting waiver under 37 CFR 1.183 of the requirement in 37 CFR 1.48(a)(2) for a statement of lack of deceptive intent by the inventors (Francis Dinha and James Yonan) being added cannot be granted at this time.

On very infrequent occasions, the requirements of 37 CFR 1.48(a) have been waived upon the filing of a request and the fee set forth in § 1.17(f) for a petition under 37 CFR 1.183 (along with the request and fee under 37 CFR 1.48(a)) to permit the filing of a statement by less than all the parties required to submit a statement. In re Cooper, 230 USPQ 638, 639 (Dep. Assist. Comm'r Pat. 1986). However, such a waiver will not be considered unless the facts of record unequivocally support the correction sought. In re Hardee, 223 USPQ 1122, 1123 (Comm'r Pat. 1984). In essence, petitioner must show that the inability to obtain the statement from Francis Dinha and James Yonan is, notwithstanding the exercise of reasonable care and diligence, due to circumstances beyond his/her control.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee set forth in § 1.17(g); and (4) a statement of the last known address of the non-signing inventor. The petition lacks item (1) set forth above.

As to item (1), rule 47 applicant must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration). There is no indication herein that inventors Francis Dinha and James Yonan were presented with a copy of the complete

application papers for this application. From the evidence of record, it only appears that the joint inventors were presented with a copy of the declaration and power of attorney. If the joint inventors were not presented with a copy of the application papers for this application, then the joint inventors could not attest that they have "reviewed and understand the application papers" and could not execute the declaration they were requested to sign. Did the joint inventors receive a copy of the application papers? The fact that an application may contain proprietary information does not relieve the rule 47 applicant of the responsibility to present the application papers to the joint inventors if the inventors are willing to receive the papers in order to sign the oath or declaration. Unless petitioner can show that a copy of the application papers was presented to the joint inventors , then petitioner will have to mail a copy of the complete application papers (specification, claims and drawings) to the last known address of the joint inventors , return receipt requested. A cover letter of instructions should accompany the mailing of the application papers setting a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. **The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as certified mail return receipt, cover letter of instructions, telegram, etc.** *See* MPEP 409.03(d).

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration **by the party to whom the refusal was made.** Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SCOTT T. GRIGGS
17950 PRESTON ROAD
SUITE 1000
DALLAS TX 75252

MAILED
JUN 29 2011
OFFICE OF PETITIONS

In re Application of	:	DECISION
Robert E. Nimon et al	:	AMENDING INVENTORSHIP AND
Application No. 12/047,281	:	GRANTING RULE 47 STATUS
Filed: March 12, 2008	:	
Attorney Docket No. 1037.1010	:	

This is a decision on the renewed petitions filed June 8, 2011, which are being treated under 37 CFR §§ 1.183, 1.48(a) and 1.47(a), to waive the statement requirement of 37 CFR 1.48(a)(2), accept the declaration lacking the signature of the non-signing added joint inventors, and accord this application status under 37 CFR 1.47(a).

The petitions are **GRANTED.**

Petitioner has shown that the non-signing inventors have refused to join in the filing of the above-identified application. It is agreed that under the extraordinary circumstances of this application, justice would be served by waiver of the requirements of 37 CFR 1.48(a)(2). Likewise, the same showing establishes that the declaration filed June 9, 2011 may be accepted under 37 CFR 1.47(a).

In view of the papers filed June 9, 2011, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, failed to properly set forth the inventorship, and accordingly, the inventorship has been corrected in compliance with 37 CFR 1.48(a). The inventorship has been changed by the addition of: Francis Dinha and James Yonan.

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 1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

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 application is being referred to Technology Center AU 2477 for appropriate action by the Examiner in the normal course of business.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/047,281	03/12/2008	2477	860	1037.1010	26	5

CONFIRMATION NO. 2701

CORRECTED FILING RECEIPT

31814
SCOTT T. GRIGGS
17950 Preston Road
Suite 1000
DALLAS, TX 75252

OC000000048491635

Date Mailed: 06/29/2011

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 E. Nimon, Plano, TX;
David E. Espenlaub, Plano, TX;
Francis Dinha, Pleasanton, CA;
James Yonan, Pleasanton, CA;

Power of Attorney: The patent practitioners associated with Customer Number 31814

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/894,372 03/12/2007

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: 03/27/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/047,281**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

SYSTEM AND METHOD FOR MULTICAST TRANSMISSION

Preliminary Class

370

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

John W. Bogdan
1210 Major St.
Ottawa, Ontario K2C 2S2 CA CANADA

MAILED
AUG 30 2010
OFFICE OF PETITIONS

In re Application of	:	
John W. Bogdan	:	
Application No. 12/047,318	:	DECISION ON PETITION
Filed: March 12, 2008	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 8, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of File Corrected Application Papers, mailed March 24, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 25, 2008. A Notice of Abandonment was mailed on November 28, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, substitute specification, an examination fee of $110, a search fee of $270, a basic filing fee of $75, an excess claim fee of $440, and a surcharge fee of $65 (2) the petition fee of $810, (3) a proper statement of unintentional delay. Accordingly the replacement drawings, substitute specification and 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 Patent Application Processing for appropriate action in the normal course of business on the reply received July 8, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

MAILED

JUN 29 2011

OFFICE OF PETITIONS

In re Application of :
Barbara M. MODAFARI et al. : ON PETITION
Application No. 12/047,420 :
Filed: March 13, 2008 :
Atty. Docket No.: 10752

This is a decision on the petition under 37 CFR 1.137(b), filed June 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the non-final Office action mailed September 7, 2010, which set a shortened statutory period for reply of three (3) months. No reply was sent, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application became abandoned December 8, 2010. A Notice of Abandonment was mailed March 29, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a response to the non-final Office action mailed September 7, 2010, (2) a petition fee of $1620, and (3) a statement of unintentional delay. The reply to the non-final Office action is accepted as having been unintentionally delayed.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. *See* 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed.. Reg.

53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone 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 1617 for further action on the filed Response.

Anthony Knight
Director
Office of Petitions

cc: Matthew A. Molloy
Fifth Third Center, One S. Main Street
Dayton, Ohio 45402

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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AKA CHAN LLP / ORACLE
900 LAFAYETTE STREET
SUITE 710
SANTA CLARA CA 95050

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Rhonda Stieber et al.	:	
Application No. 12/047,549	:	DECISION ON PETITION
Filed: March 13, 2008	:	TO WITHDRAW
Attorney Docket No. ORACP045	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 24, 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
Alexandria, VA 22313-1450
www.uspto.gov

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

MAIL

NOV 16 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
SUZUKI, TOMOHARU, et al.	:	DECISION ON REQUEST TO
Application No. 12/047,612	:	PARTICIPATE IN PATENT
Filed: March 13, 2008	:	PROSECUTION HIGHWAY
Attorney **Q107084**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed September 23, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Kenneth A. Wieder/

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed : 01/24/11

Patent No. : 7835891 B2
Patent Issued : 11/16/10
Docket No. : **YOR920050386US2**

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 12/13/10; 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

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

IBM CORPORATION, T.J. WATSON RESEARCH CENTER
P.O. BOX 218
YORKTOWN HEIGHTS NY 10598

LMN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/27/10

TO SPE OF : ART. UNIT 2123

SUBJECT : Request for Certificate of Correction for Appl. No.: 12047705 Patent No.: 7835891

CofC mailroom date: 12/13/10

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
[redacted]

Lamonte Newsome
Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☒ **Denied** — State the reasons for denial below.

Comments: APPLICANT DID NOT MEET THE REQUIREMENT OF 37 CFR 1.78(a)(ii) during pendency of the application. Thus was not entitled to the priority date. Applicant could file a petition under 37 CFR(a)(3) along with the

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

certificate of correction. If such petition is filed and granted, the C of C can be entered

1/19/11

SPE TC 2100

SPE Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CARL M. NAPOLITANO, PH.D.
ALLEN, DYER, DOPPELT,
MILBRATH & GILCHRIST, P.A.
255 SOUTH ORANGE AVE., SUITE 1401
P.O. BOX 3791
ORLANDO FL 32802-3791

MAILED

SEP 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Sparks, et al.	:	DECISION ON PETITION
Application No. 12/047,732	:	
Filed: 13 March, 2008	:	
Attorney Docket No. 90234_CIP2	:	

This is a decision on the petition filed on 5 August, 2010, pursuant to the regulations at 37 C.F.R. §1.47 and §1.48.

The petition pursuant to 37 C.F.R. §1.47(a) and §1.48 is **DISMISSED**.

Rule 47/48 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 and §1.48," 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.

A grantable petition pursuant to 37 C.F.R. §1.48 requires:(1) a request to correct the inventorship that sets forth the desired inventorship change; (2) a statement from each person being added as an inventor that the addition is necessitated by amendment of the claims and that the inventorship error occurred without deceptive intention on his or her part; (3) an oath or declaration by the actual inventors as required by §1.63 or as permitted by §1.42, §1.43, or §1.47; (4) the processing fee set forth in §1.17(i); (5) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 C.F.R. §3.73(b)).

Petitioner must present in support of the petition pursuant to 37 C.F.R. §1.48 an oath or declaration in compliance with 37 C.F.R. §§1.63 and 1.64.

In this matter where co-inventors have refused or are otherwise unavailable to sign, Petitioner nonetheless could satisfy this requirement by submitting the application submitted by the signing inventors on their behalf and that of the non-signing inventors <u>and</u> a grantable petition pursuant to 37 C.F.R. §1.47. As noted below, Petitioner has failed to satisfy the second leg of this requirement-- i.e. submission of a grantable petition pursuant to 37 C.F.R. §1.47.

BACKGROUND

The record reflects as follows:

The application was deposited on 13 March, 2008, with what was presented as a fully executed oath/declaration.

On 10 May 2010, Petitioner Carl M. Napolitano (Reg. No. 37,405) filed, *inter alia*, a petition to correct inventorship pursuant to 37 C.F.R. §1.48, which petition was denied in the Technology Center on 2 July, 2010, for failure to comply with the requirements pursuant to the regulations at

37 C.F.R. §1.47 and §1.48 because Petitioner had failed to satisfy the requirements of the regulations at 37 C.F.R. §1.47.

On 5 August, 2010, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.47 and §1.48, with an assent by the averred assignee, an oath/declaration signed by co-inventor Grossman for himself and on behalf of the non-signing inventor David W. Sparks (Mr. Sparks), insufficient fees but with an authorization to charge Deposit Account 01-0484, which charges now are made—Petitioner is cautioned to review the fee requirements for petitions and the current fee schedule in advance of submitting papers to the Office. Petitioner has failed to satisfy the following requirements pursuant to37 C.F.R. §1.48:

- A statement/showing that the requirement came about due to the addition of inventor(s) for claims to previously unclaimed subject matter.

And Petitioner failed to satisfy the following requirements pursuant to 37 C.F.R. §1.47:

- petition with proper fee;

- proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the amended application papers (specification: description, claims and drawings) for which the new oath/declaration is to be executed—<u>there is no copy of a transmittal letter evidencing compliance with this requirement</u>;

- a statement of the last known address of the non-signing inventor(s)—<u>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</u>.

Moreover, because there is no copy of the transmittal letter to Mr. Sparks there is at this writing an insufficient showing that the statement of the last known address of the non-signing inventor(s) is accompanied by the showing of 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 may find it beneficial to 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.)

Further, Petitioner may find it beneficial to step through the requirements of a grantable petition pursuant to 37 C.F.R. §1.48 (i.e., (1) a request to correct the inventorship that sets forth the desired inventorship change; (2) a statement from each person being added as an inventor that the addition is necessitated by amendment of the claims and that the inventorship error occurred without deceptive intention on his or her part; (3) an oath or declaration by the actual inventors as required by §1.63 or as permitted by §1.42, §1.43, or §1.47; (4) the processing fee set forth in §1.17(i); (5) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 C.F.R. §3.73(b)))

Again, Petitioner has not worked through the requirements of the petition.

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]

Petitioner has failed to establish that the non-signing inventors have been presented with the full application and have refused to sign the declaration (the proof of the pertinent events must be made by a statement of someone with first hand knowledge of the events with support of the registered practitioner prosecuting this matter) or cannot be reached.

A copy of the entire application must be sent to the last known addresses of the non-signing inventors with a request that they sign the declaration for the patent application. A forwarding address should be requested, if the papers are returned, and other attempts to locate the inventor, e.g. through e-mail or the telephone continue to fail, then applicant will have established that the inventor cannot be reached. Alternatively, an oath or declaration for the patent application in compliance with 37 C.F.R. §§1.63 and 1.64 must be presented. The declaration must set forth

[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.

the inventor's residence, citizenship and post office address. An oath or declaration in compliance with 37 C.F.R. §§1.63 and 1.64 signed by the Rule 1.47 applicant is required.[2]

Accordingly, the petitions pursuant to 37 C.F.R. §1.47 and §1.48 must be and hereby are **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

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[3]) 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] *See*: MPEP 409.03(b).

[3] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

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ALLEN, DYER, DOPPELT,
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255 SOUTH ORANGE AVE., SUITE 1401
P.O. BOX 3791
ORLANDO FL 32802-3791

MAILED

NOV 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Sparks, et al.	:	DECISION ON PETITION
Application No. 12/047,732	:	
Filed: 13 March, 2008	:	
Attorney Docket No. 90234_CIP2	:	

This is a decision on the petition(s) filed on 8 November, 2010, pursuant to the regulations at 37 C.F.R. §1.47 and §1.48.

The petitions pursuant to 37 C.F.R. §1.47(a) and §1.48 are **DISMISSED**.

Rule 47/48 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 and §1.48," 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.

A grantable petition pursuant to 37 C.F.R. §1.48 requires:(1) a request to correct the inventorship that sets forth the desired inventorship change; (2) a statement from each person being added as an inventor that the addition is necessitated by amendment of the claims and that the inventorship error occurred without deceptive intention on his or her part; (3) an oath or declaration by the actual inventors as required by §1.63 or as permitted by §1.42, §1.43, or §1.47; (4) the processing fee set forth in §1.17(i); (5) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 C.F.R. §3.73(b)).

Petitioner must present in support of the petition pursuant to 37 C.F.R. §1.48 an oath or declaration in compliance with 37 C.F.R. §§1.63 and 1.64.

In this matter where co-inventors have refused or are otherwise unavailable to sign, Petitioner nonetheless could satisfy this requirement by submitting the application submitted by the signing inventors on their behalf and that of the non-signing inventors <u>and</u> a grantable petition pursuant to 37 C.F.R. §1.47. As noted below, Petitioner has failed to satisfy the second leg of this requirement-- i.e. submission of a grantable petition pursuant to 37 C.F.R. §1.47.

BACKGROUND

The record reflects as follows:

The application was deposited on 13 March, 2008, with what was presented as a fully executed oath/declaration.

On 10 May 2010, Petitioner Carl M. Napolitano (Reg. No. 37,405) filed, *inter alia*, a petition to correct inventorship pursuant to 37 C.F.R. §1.48, which petition was denied in the Technology Center on 2 July, 2010, for failure to comply with the requirements pursuant to the regulations at

37 C.F.R. §1.47 and §1.48 because Petitioner had failed to satisfy the requirements of the regulations at 37 C.F.R. §1.47.

On 5 August, 2010, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.47 and §1.48, with an assent by the averred assignee, an oath/declaration signed by co-inventor Grossman for himself and on behalf of the non-signing inventor David W. Sparks (Mr. Sparks), insufficient fees but with an authorization to charge Deposit Account 01-0484, which charges now are made—Petitioner is cautioned to review the fee requirements for petitions and the current fee schedule in advance of submitting papers to the Office. Petitioner failed to satisfy the following requirements pursuant to37 C.F.R. §1.48: A statement/showing that the requirement came about due to the addition of inventor(s) for claims to previously unclaimed subject matter. And Petitioner failed to satisfy the following requirements pursuant to 37 C.F.R. §1.47: petition with proper fee; proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the amended application papers (specification: description, claims and drawings) for which the new oath/declaration is to be executed—there is no copy of a transmittal letter evidencing compliance with this requirement; 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. Moreover, because there was no copy of the transmittal letter to Mr. Sparks there was insufficient showing that the statement of the last known address of the non-signing inventor(s) was accompanied by the showing of 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. The petition was dismissed on 8 September, 2010.

On 8 November, 2010, Petitioner re-advanced his petition pursuant to 37 C.F.R. §1.47 and §1.48, this time with fee, but (in light of the Petitioner's averment of extensive amendment to include claims now attributed to the non-signing inventor) failed to make a showing that the entire application—description, claims, abstract and drawings—as amended and allowed, was transmitted to the non-signing inventor, or otherwise clarify that no amendments were made that substantively altered the application as from that sought to be presented to Petitioner with the transmittal letter of 15 September, 2010.

Petitioner may find it beneficial to 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.)

Further, Petitioner may find it beneficial to step through the requirements of a grantable petition pursuant to 37 C.F.R. §1.48 (i.e., (1) a request to correct the inventorship that sets forth the desired inventorship change; (2) a statement from each person being added as an inventor that the addition is necessitated by amendment of the claims and that the inventorship error occurred without deceptive intention on his or her part; (3) an oath or declaration by the actual inventors as required by §1.63 or as permitted by §1.42, §1.43, or §1.47; (4) the processing fee set forth in §1.17(i); (5) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 C.F.R. §3.73(b)))

Again, Petitioner has not worked through the requirements of the petition.

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]

Petitioner has failed to establish that the non-signing inventors have been presented with the full application and have refused to sign the declaration (the proof of the pertinent events must be made by a statement of someone with first hand knowledge of the events with support of the registered practitioner prosecuting this matter) or cannot be reached.

A copy of the entire application must be sent to the last known addresses of the non-signing inventors with a request that they sign the declaration for the patent application. A forwarding address should be requested, if the papers are returned, and other attempts to locate the inventor, e.g. through e-mail or the telephone continue to fail, then applicant will have established that the inventor cannot be reached. Alternatively, an oath or declaration for the patent application in compliance with 37 C.F.R. §§1.63 and 1.64 must be presented. The declaration must set forth

[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.

the inventor's residence, citizenship and post office address. An oath or declaration in compliance with 37 C.F.R. §§1.63 and 1.64 signed by the Rule 1.47 applicant is required.[2]

Accordingly, the petitions pursuant to 37 C.F.R. §1.47 and §1.48 must be and hereby are **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

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[3]) 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 *See*: MPEP 409.03(b).

3 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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P.O. BOX 3791
ORLANDO FL 32802-3791

MAILED

MAR 15 2011

OFFICE OF PETITIONS

In re Application of	:	
Sparks, et al.	:	DECISION ON PETITION
Application No. 12/047,732	:	
Filed: 13 March, 2008	:	
Attorney Docket No. 90234_CIP2	:	

This is a decision on the petition(s) filed on 20 January, 2011, pursuant to the regulations at 37 C.F.R. §1.47 and §1.48.

NOTE:

Despite clear and express caution in the decision of 23 November, 2010, Petitioner nonetheless appears to have referred inappropriately, and so improperly, to telephonic or other discussions with the Office. (Petition of 20 January, 2011, at page 2.)

The Rules of Practice expressly provide in the regulations at 37 C.F.R. §1.2:

> **§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.

An express reminder of this provision—including a copy of the regulations—was set forth in the decision of 23 November, 2010.

The petitions pursuant to 37 C.F.R. §1.47(a) and §1.48 are **GRANTED**.

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.

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.

A grantable petition pursuant to 37 C.F.R. §1.48 requires:(1) a request to correct the inventorship that sets forth the desired inventorship change; (2) a statement from each person being added as an inventor that the addition is necessitated by amendment of the claims and that the inventorship error occurred without deceptive intention on his or her part; (3) an oath or declaration by the actual inventors as required by §1.63 or as permitted by §1.42, §1.43, or §1.47; (4) the processing fee set forth in §1.17(i); (5) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 C.F.R. §3.73(b)).

Petitioner must present in support of the petition pursuant to 37 C.F.R. §1.48 an oath or declaration in compliance with 37 C.F.R. §§1.63 and 1.64.

In this matter where co-inventors have refused or are otherwise unavailable to sign, Petitioner nonetheless could satisfy this requirement by submitting the application submitted by the signing inventors on their behalf and that of the non-signing inventors and a grantable petition pursuant to 37 C.F.R. §1.47. As noted below, Petitioner has failed to satisfy the second leg of this requirement-- i.e. submission of a grantable petition pursuant to 37 C.F.R. §1.47.

BACKGROUND

The record reflects as follows:

The application was deposited on 13 March, 2008, with what was presented as a fully executed oath/declaration.

On 10 May 2010, Petitioner Carl M. Napolitano (Reg. No. 37,405) filed, *inter alia*, a petition to correct inventorship pursuant to 37 C.F.R. §1.48, which petition was denied in the Technology Center on 2 July, 2010, for failure to comply with the requirements pursuant to the regulations at 37 C.F.R. §1.47 and §1.48 because Petitioner had failed to satisfy the requirements of the regulations at 37 C.F.R. §1.47.

On 5 August, 2010, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.47 and §1.48, with an assent by the averred assignee, an oath/declaration signed by co-inventor Grossman for himself and on behalf of the non-signing inventor David W. Sparks (Mr. Sparks), insufficient fees but with an authorization to charge Deposit Account 01-0484, which charges now are made—Petitioner is cautioned to review the fee requirements for petitions and the current fee schedule in advance of submitting papers to the Office. Petitioner failed to satisfy the following requirements pursuant to37 C.F.R. §1.48: A statement/showing that the requirement came about due to the addition of inventor(s) for claims to previously unclaimed subject matter. And Petitioner failed to satisfy the following requirements pursuant to 37 C.F.R. §1.47: petition with proper fee; proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the amended application papers (specification: description, claims and drawings) for which the new oath/declaration is to be executed—there was no copy of a transmittal letter evidencing compliance with this requirement; 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. Moreover, because there was no copy of the transmittal letter to Mr. Sparks there was insufficient showing that the statement of the last known address of the non-signing inventor(s) was accompanied by the showing of 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. The petition was dismissed on 8 September, 2010.

On 8 November, 2010, Petitioner re-advanced his petition pursuant to 37 C.F.R. §1.47 and §1.48, this time with fee, but (in light of the Petitioner's averment of extensive amendment to include claims now attributed to the non-signing inventor) failed to make a showing that the entire application—description, claims, abstract and drawings—as amended and allowed, was transmitted to the non-signing inventor, or otherwise clarify that no amendments were made that substantively altered the application as from that sought to be presented to Petitioner with the transmittal letter of 15 September, 2010. The petition was dismissed on 23 November, 2010.

On 20 January, 2011, Petitioner again re-advanced his petition pursuant to 37 C.F.R. §1.47 and §1.48, this time with fee, and sought to make a showing that the entire application—description, claims, abstract and drawings—as amended and allowed, was transmitted to the non-signing inventor, and a showing of 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 of the non-signing inventor. Thus, Petitioner sought to satisfy the requirements of a grantable petition pursuant to:

- 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.); and

- 37 C.F.R. §1.48 (i.e., (1) a request to correct the inventorship that sets forth the desired inventorship change; (2) a statement from each person being added as an inventor that the addition is necessitated by amendment of the claims and that the inventorship error occurred without deceptive intention on his or her part; (3) an oath or declaration by the actual inventors as required by §1.63 or as permitted by §1.42, §1.43, or §1.47; (4) the processing fee set forth in §1.17(i); (5) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 C.F.R. §3.73(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. 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]

CONCLUSION

The instant petitions pursuant to 37 C.F.R. §1.47(a) and §1.48 are **granted** (status is accorded pursuant to 37 C.F.R. §1.47(a).)

As provided in 37 C.F.R. §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.

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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). See specifically, the regulations at 37 C.F.R. §10.18.

The instant application is released to the Technology Center/AU 1797 for such processing as required in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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DAVID W. SPARKS
2713 THONOTOSASSA ROAD
THONOTOSASSA, FL 33592

MAILED
MAR 15 2011
OFFICE OF PETITIONS

In re Application of	:	
Sparks, et al.	:	COMMUNICATION
Application No. 12/047,732	:	
Filed: 13 March, 2008	:	
Attorney Docket No. 90234_CIP2	:	

Dear David W. Sparks:

You are named as an inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47 (Code of Federal Regulations) and §1.48, Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §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 C.F.R. §1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

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).

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) 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/your action(s) and/or inactions. Moreover, the Office can neither advise you nor recommend Counsel in this matter.

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
CARL M. NAPOLITANO, PH.D.
ALLEN, DYER, DOPPELT,
MILBRATH & GILCHRIST, P.A.
255 SOUTH ORANGE AVE., SUITE 1401
P.O. BOX 3791
ORLANDO FL 32802-3791

[1] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt

UNITED STATES PATENT AND TRADEMARK OFFICE

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KLEHR HARRISON HARVEY BRANZBURG LLP
1835 MARKET STREET
SUITE 1400
PHILADELPHIA, PA 19103

MAILED
NOV 17 2010
OFFICE OF PETITIONS

In re Application of	:	
Dolub, Carlos Alberto	:	DECISION ON PETITION
Application No. 12/047,740	:	TO WITHDRAW
Filed: March 13, 2008	:	FROM RECORD
Attorney Docket No. 04000.1010	:	

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 **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney was revoked by the applicant of the patent application on November 8, 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: SMITH FROHWEIN TEMPEL GREENLEE BLAHA, LLC
TWO RAVINIA DRIVE
SUITE 700
ATLANTA GA 30346

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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PILLSBURY WINTHROP SHAW PITTMAN, LLP (NV)
P.O. BOX 10500
MCLEAN VA 22102

MAILED

DEC 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Himio Yamauchi	:	
Application No. 12/047,772	:	DECISION DISMISSING PETITION
Filed: March 13, 2008	:	UNDER 37 CFR 1.313(a)
Attorney Docket No. 008312-0368944	:	

This is a decision on the petition filed December 13, 2011, which is being treated as a petition under 37 CFR 1.313(a), requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on October 27, 2011, with the issue fee being due on or before January 27, 2012. The issue fee in this case has not been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP §§ 706.07(h)(IX) and 1308.

Inquiries concerning this decision may be directed to Irvin Dingle at (571) 272-3210.

The matter is being referred to Technology Center AU 2421 for appropriate processing of the RCE filed December 13, 2011, and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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OCT 04 2010

OFFICE OF PETITIONS

NASA/MARSHALL SPACE FLIGHT CENTER
LS01/OFFICE OF CHIEF COUNSEL
MSFC, AL 35812

In re Application of	:	
Dennis S. Tucker, et al.	:	
Application No. 12/047,805	:	ON PETITION
Filed: March 13, 2008	:	
Attorney Docket No.: MFS-32497-1	:	

This is a decision on the petition under 37 CFR 1.182, filed August 23, 2010, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

This application is being referred to Technology Center AU 2874.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment

UNITED STATES PATENT AND TRADEMARK OFFICE

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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
12/047,805	03/13/2008	2874	1490	MFS-32497-1	25	4

CONFIRMATION NO. 3709

CORRECTED FILING RECEIPT

30698
NASA/MARSHALL SPACE FLIGHT CENTER
LS01/OFFICE OF CHIEF COUNSEL
MSFC, AL 35812

OC000000043822344

Date Mailed: 10/04/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Dennis S. Tucker, Huntsville, AL;
Michael R. LaPointe, Harvest, AL;

Power of Attorney: The patent practitioners associated with Customer Number 30698

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 10/01/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/047,805**

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

Eliminating Crystals in Non-Oxide Optical Fiber Preforms and Optical Fibers

Preliminary Class

385

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/047,832	03/13/2008	Paul A. Bottomley	1362010-2002.5	3750

85729 7590 07/26/2011
Boston Scientific Neuromodulation (SVI & JHU)
c/o Frommer Lawrence & Haug LLP
745 Fifth Avenue
New York, NY 10151

EXAMINER
HELLER, TAMMIE K

ART UNIT	PAPER NUMBER
3766	

MAIL DATE	DELIVERY MODE
07/26/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12/047,832	13 March 2008	BOTTOMLEY ET AL.	1362010-2002.5

EXAMINER
CARL H. LAYNO

ART UNIT	PAPER
3766	20110725

DATE MAILED:

Boston Scientific Neuromodulation (SVI & JHU)
c/o Frommer Lawrence & Haug LLP
745 Fifth Avenue
New York, NY 10151

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See attached letter for the Decision under 37 CFR 1.48(b) to Correct Inventorship in this case.

/CARL H LAYNO/
Supervisory Patent Examiner, Art Unit 3766

Decision Under 37 CFR 1.48(b) to Correct Inventorship

1. Applicant's request has been **Granted**. In view of the papers filed 7/13/2011, the inventorship in this nonprovisional application has been changed by the deletion of co-inventor J. Michael Shifflette.

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.

/CARL H LAYNO/

Supervisory Patent Examiner, Art Unit 3766

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FINA TECHNOLOGY INC
PO BOX 674412
HOUSTON, TX 77267-4412

MAILED
JAN 11 2012
OFFICE OF PETITIONS

In re Application of	:	
Joseph E. Pelati, et al.	:	
Application No. 12/047,873	:	ON PETITION
Filed: March 13, 2008	:	
Attorney Docket No. COS-1131	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 23, 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** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item 1. 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. Accordingly, the application cannot be revived until a proper response to the Notice of Allowance mailed July 14, 2011 is filed.

Applicant should note that, while the publication fee remained $300, effective September 26, 2011 the issue fee was increased to 1,740 for a large entity. Since the fees are being paid after September 26, 2011, applicant must pay the new amount. Also, if petitioner desires to have the information normally found on the PTOL-85b printed on the patent, then the form should be completed and returned with the payment of the issue fees, along with any renewed petition under 37 CFR 1.137(b).

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 delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By Internet: EFS-Web[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: MR. BRADLEY A. MISLEY
P.O. BOX 1948
CYPRESS, TX 77410-1948

[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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OFFICE OF PETITIONS

FINA TECHNOLOGY INC
PO BOX 674412
HOUSTON, TX 77267-4412

In re Application of
Joseph E. Pelati, et al.
Application No. 12/047,873
Filed: March 13, 2008
Attorney Docket No.: COS-1131

ON PETITION

This is a decision on the renewed petition, filed January 23, 2012, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before October 14, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed July 14, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 15, 2011. A Notice of Abandonment was subsequently mailed on October 27, 2011. A petition under the provisions of 37 CFR 1.137(b) was filed on November 23, 2011; however, the petition was dismissed in a decision mailed January 11, 2012. On January 23, the present petition was filed.

The petitions satisfy the requirements of 37 CFR 1.137(b) in that petitioners have supplied (1) the reply in the form of the $1,740 issue fee and $300 publication fee; (2) the petition fee of $1,860; and (3) an adequate statement of unintentional delay[1].

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Although the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement will be construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/047,908	03/13/2008	John Lee	1079-002U	3887

60033 7590 06/06/2011
MARK TERRY, ESQ.
801 BRICKELL AVE., SUITE 900
Miami, FL 33131

EXAMINER
LEWIS, ALICIA M

ART UNIT	PAPER NUMBER
2164	

NOTIFICATION DATE	DELIVERY MODE
06/06/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mark@terryfirm.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

Mark Terry
801 Brickell Avenue, Suite 900
Miami, FL 33131

In re Application of:
John LEE
Application No. 12/047,908
Filed: March 13, 2008
For: SIMULTANEOUS SEARCHING USING MULTIPLE SEARCH ENGINES

DECISION ON PETITION UNDER 37 C.F.R. § 1.181

This is a decision on the petition, filed on 08 December 2010, under 37 CFR § 1.181 seeking relief from the Technology Center Director to find the Finality of the Office Action mailed 07 December 2010 is premature.

The petition is **DENIED**.

In the petition, applicant's counsel alleged that the new ground rejection of amended claim 1 under 35 U.S.C. § 102(e) as being anticipated by Kumar et al (U.S. Patent Application Publication No. 20080114731) is un-warranted since the added feature "the client executes the second program logic of the data construct and sends a separate request to each of the plurality of search engines to conduct a search as defined by the search parameters" was originally presented elsewhere in claim 1.

MPEP § 706.07(a) states in part that:

> ... Under present practice, second or any subsequent actions on the merits shall be final, **except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims**, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) ... [Emphasis added.]

A review of the application indicates that the originally represented claim 1 **did not recite** the second program logic and separate request to each of the plurality of search engines to conduct a search were, respectively, **executed and sent by the client** and only recited the steps of generating a second program logic and sending a separate request to each of the plurality of search engines to conduct a search be performed by a network. Pursuant to MPEP § 706.07(a), the Final Office Action is proper and is not premature as alleged by applicant's counsel.

For the above stated reasons, the petition is **DENIED.**

Any inquiry concerning this decision should be directed to Vincent N. Trans whose telephone number is (571) 272-3613.

Jack B. Harvey, Director
Technology Center 2100
Computer Architecture and Software

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NOV 16 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Samsung R&D Center
c/o Myers Andras Sherman LLP
19900 MacArthur Blvd., Suite 1150
Irvine CA 92612

In re application of
SHAO, HUAI-RONG, et al.
Application Serial No. 12/048,126
Filed: March 13, 2008
For: **METHOD AND SYSTEM FOR COMMUNICATION OF UNCOMPRESSED VIDEO INFORMATION IN WIRELESS SYSTEMS**

DECISION
ON PETITION

This is a response to the petition under 37 CFR 1.59(b), filed July 19, 2010, to expunge information from the above identified application.

The decision on the petition will be held in abeyance until prosecution on the merits is closed, at which time the petition will be decided.

Petitioner requests that the information submitted in a Confidential Information Disclosure Statement filed July 19, 2010 be expunged from the record. Petitioner states that 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, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

The 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 document is considered to be "material". If the information is not considered by the examiner to be material, the information will be returned to applicant.

The document(s) in question will not be available to the public during prosecution.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

12-15-2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No. : 7,816324 B2
Ser. No. : 12/048199
Inventor(s) : Ahn, et. al.
Issued : October 19, 2010

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 or 1.323.

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(ih) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1583 or 1580

Chainey P. Singleton
Chalker Flores, LLP
2711 LBJ Freeway, Suite 1036
Dallas, Texas 75234

ej

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CHALKER FLORES, LLP
2711 LBJ FRWY
Suite 1036
DALLAS TX 75234

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MAR 30 2011

OFFICE OF PETITIONS

In re Patent No. 7,816,324	:	
Issue Date: 10/19/2010	:	
Application Number: 12/048,199	:	ON PETITION
Filing or 371(c) Date: 03/13/2008	:	
Attorney Docket Number: UTDA:1122	:	

This is a decision on the request under 37 CFR 3.81(b),[1] filed on February 10, 2011, to correct the assignee data on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Receipt of the processing fee of $130.00 required by § 1.17(h) is acknowledged.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3231. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

DIWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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SPECKMAN LAW GROUP PLLC
1201 THIRD AVENUE, SUITE 330
SEATTLE WA 98101

MAILED

SEP 3 0 2010

OFFICE OF PETITIONS

In re Application of

HARRIS, Peter S. et al.
Application No. 12/048,206
Filed: March 13, 2008
Attorney Docket No. **21200.1001NP**

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 03, 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 Peter S. Harris, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

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 3773 for action on the merits commensurate with this decision.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

SEP 01 2011

OFFICE OF PETITIONS

MARK YOUNG, P.A.
12086 FORT CAROLINE ROAD
UNIT 202
JACKSONVILLE FL 32225

In re Application of :
Newsome E. CORBITT III : ON PETITION
Application No. 12/048,217 :
Filed: March 14, 2008 :
Atty. Docket No.: NC08001

This is a decision on the petition under 37 CFR 1.137(b), filed July 29, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mailing date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)". This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice of Drawing Inconsistency with Specification mailed November 25, 2008 (Notice), which set a non-extendable period for reply of one (1) month. The application became abandoned December 26, 2008. A Notice of Abandonment was mailed February 5, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). The instant petition lacks item (1).

Regarding item (1), the Notice mailed November 25, 2008 required modification of the Brief Description of the Specification. An amendment modifying the Specification was not supplied with the reply submitted with the instant petition.

As such, the instant petition is not grantable.

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.**

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

Ramesh Krishnamurthy

for Anthony Knight
Director
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450

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SEP 0 1 2011
OFFICE OF PETITIONS

MARK YOUNG, P.A.
12086 FORT CAROLINE ROAD
UNIT 202
JACKSONVILLE FL 32225

In re Application of :
Newsome E. CORBITT III : ON PETITION
Application No. 12/048,217 :
Filed: March 14, 2008 :
Atty. Docket No.: NC08001

This is a decision on the petition under 37 CFR 1.137(b), filed July 29, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mailing date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)". This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice of Drawing Inconsistency with Specification mailed November 25, 2008 (Notice), which set a non-extendable period for reply of one (1) month. The application became abandoned December 26, 2008. A Notice of Abandonment was mailed February 5, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). The instant petition lacks item (1).

Regarding item (1), the Notice mailed November 25, 2008 required modification of the Brief Description of the Specification. An amendment modifying the Specification was not supplied with the reply submitted with the instant petition.

As such, the instant petition is not grantable.

Best Available Copy

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.**

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

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

MAILED
NOV 18 2011
OFFICE OF PETITIONS

MARK YOUNG, P.A.
12086 FORT CAROLINE ROAD
UNIT 202
JACKSONVILLE FL 32225

In re Application of :
Newsome E. CORBITT III : ON PETITION
Application No. 12/048,217 :
Filed: March 14, 2008 :
Atty. Docket No.: NC08001

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 1, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed October 10, 2008, which set a statutory period for reply of three (3) months, and the subsequent Notice of Drawing Inconsistency with Specification mailed November 25, 2008. The application became abandoned January 13, 2009. A Notice of Abandonment was mailed February 5, 2009.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the issue and publication fees in accordance with the Notice mailed October 10, 2008, and a Response to the Notice mailed November 25, 2008, (2) a petition fee of $810, and (3) a statement of unintentional delay. The reply to the Notices are accepted as having been unintentionally delayed.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application will be referred to Office of Data Management for further processing.

Robert DeWitty
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KLEIN, O'NEILL & SINGH, LLP
18200 VON KARMAN AVENUE
SUITE 725
IRVINE CA 92612

MAILED

JUN 13 2011

OFFICE OF PETITIONS

In re Patent No. 7,957,282	:	
Issue Date: June 7, 2011	:	
Application No. 12/048,231	:	NOTICE
Filed: March 14, 2008	:	
Attorney Docket No. 1291-022.101	:	

This is a notice regarding your request, April 28, 2011, 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 patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Nokia Corporation and Alston & Bird, LLP
c/o Alston & Bird, LLP
Bank of America Plaza, 101 South Tryon Street
Suite 4000
Charlotte, NC 28280-4000

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Toni Peter Strandell et al.	:	
Application No. 12/048,280	:	DECISION ON PETITION
Filed: October 24, 2007	:	TO WITHDRAW
Attorney Docket No. 042933/341212	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 20, 2011.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to Alston & Bird, LLP, has been revoked by the assignee of the patent application on January 26, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Ditthavong, Mori & Steiner, P.C.
918 Prince Street
Alexandria, VA 22314

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FLEIT GIBBONS GUTMAN BONGINI & BIANCO PL
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI FL 33180

MAILED
AUG 15 2011
OFFICE OF PETITIONS

In re Patent No. 7,886,473 :
Issue Date: February 15, 2011 : NOTICE
Application No. 12/048,290 :
Filed: March 14, 2008 :
Attorney Docket No. 7400-X08-216

This is a notice regarding your request, July 6, 2011, 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 patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SUGHRUE-265550
2100 PENNSYLVANIA AVE. NW
WASHINGTON, DC 20037-3213

MAILED

JUN 08 2011

OFFICE OF PETITIONS

In re Application of :
Yutaka Kanda et al :
Application No. 12/048,343 : ON PETITION
Filed: March 14, 2008 :
Attorney Docket No. Q106864

This is a decision on the petition, filed June 7, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 24, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1633 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

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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IBM CORP (YA)
C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS TX 75380

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APR 03 2012

OFFICE OF PETITIONS

In re Application of :
Francesco Maria Cateri et al. :
Application No. 12/048,355 : ON PETITION
Filed: March 14, 2008 :
Attorney Docket No: FR920070002US1 :

This is a decision on the petition filed March 13, 2012 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned October 27, 2011 for failure to timely reply to the non-Final Office Action mailed July 26, 2011 within the shortened statutory period of three months set for reply. Accordingly, a Notice of Abandonment was mailed March 15, 2012, after the filing of the instant petition.

This matter is being referred to Technology Center 2163 for appropriate action on the amendment filed March 13, 2012.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED

AUG 09 2011

PCT LEGAL ADMINISTRATION

In re Application of:
DIGGELEN et al.
U.S. Application No.: 12/048,382
Filing Date: March 14, 2008
Attorney's Docket No.: 18997US01
For: METHOD AND SYSTEM FOR GENERATING TEMPORARY EPHEMERIS

DECISION

This decision is in response to applicant's "Petition under 37 CFR 1.78(a)(3) to Accept an Unintentionally Delayed Priority Claim under 35 U.S.C. 120 for the Benefit of a Prior Filed Application" dated June 21, 2011, requesting acceptance of an unintentionally delayed claim for priority under 35 U.S.C. 365(c) to international application PCT/US2007/003307. Because the international application claims priority to a prior filed provisional application, the petition is being treated as a petition under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application.

The petitions are GRANTED.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a 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 where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR §§1.78(a)(3) and 1.78(a)(6) in that (1) a proper reference to the prior-filed applications has been included in an amendment to the first sentence of the specification, as provided by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) applicant's statement that "the entire delay between the date this priority was due under 37 CFR 1.78(a)(2)(ii) and the date the claim of priority was filed for the present application was unintentional" is construed as meaning 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." If this is incorrect, petitioner must immediately notify the Office of PCT Legal Administration. As construed, petitioner's statement satisfied item (3) above. Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 119(e) to the prior-filed applications satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that any Filing Receipt includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition. Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

BryanLin

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JAY M. SCHLOFF
6960 ORCHARD LAKE ROAD
SUITE 315
WEST BLOOMFIELD MI 48322

MAILED
DEC 20 2010
OFFICE OF PETITIONS

In re Application of	:	
Antoinette ARSENAULT et al.	:	
Application No. 12/048,420	:	DECISION ON PETITION
Filed: March 14, 2008	:	
Attorney Docket No. IPX08ARSE003	:	

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, April 14, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 15, 2010.

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 April 14, 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 1781 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: **MICHAEL RIES**
318 PARKER PLACE
OSWEGO, IL 60543

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

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FEB 25 2011

OFFICE OF PETITIONS

Ogilvy Renault LLP (PWC)
1, Place Villa Marie
Ste. 2500
Montreal, QC H3B 1R1 CA
CANADA

In re Application of	:	
Luc DIONNE	:	DECISION GRANTING PETITION
Application No. 12/048,431	:	UNDER 37 CFR 1.137(b)
Filed: 14 March 2008	:	
Atty. Docket No.: 2993-359US-1-1-1 JR/as	:	

This is a decision on the petition under 37 CFR 1.137(b), filed 7 January 2011, to revive the above-identified application ("Application").

The petition is **GRANTED**.

The Application became abandoned for failure to reply in a timely manner to the final Office action mailed 14 May 2010 ("outstanding Office action"), which set a shortened statutory reply period of three (3) months. A 3 (three) month extension of time was obtained. As no appropriate reply was received, the application became abandoned on 15 November 2010, with notification mailed 16 December 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a Statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Request for Continued Examination (RCE), RCE fee, and submission under 37 CFR 1.114, (2) a petition fee of $1620.00, and (3) a Statement of unintentional delay. The previously purchased 3 months extension of time is returned herewith.

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 $1110 extension of time fee submitted with the

petition on 7 January 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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 AU 3644 for further action on the filed RCE.

David Buczi
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/048,467	03/14/2008	Yunwa Wilson Cheung	077410.0966	4945

28763 7590 05/27/2011
BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44th Floor
NEW YORK, NY 10112-4498

EXAMINER
ZEMEL, IRINA SOPJIA

ART UNIT	PAPER NUMBER
1765	

NOTIFICATION DATE	DELIVERY MODE
05/27/2011	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):

DLNYDocket@bakerbotts.com

UNITED STATES PATENT and TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

MAY 27 2011

Mailed:

RPG
Paper No. May 26, 2011

In re Application of Cheung et al
Serial No.: 12/048,467
Filed: March 14, 2008

DECISION ON PETITION
UNDER *37 CFR 1.48(a)*

For: POLYMER BLENDS OF BIODEGRADABLE OR BIO-BASED AND SYNTHETIC POLYMERS AND FOAMS THEREOF

This is a decision on the PETITION TO CORRECT INVENTORSHIP IN A NON-PROVISIONAL PATENT APPLICATION filed July 14, 2008 to correct inventorship under 37 CFR 1.48(a) by adding the name of Y. Paul Handa to the list of inventors of the instant application.

It is noted that the applicant has met the requirements of 37 C.F.R. § 1.48(a) by (1) submitting a request to correct the inventorship that sets forth the desired inventorship change; (2) providing a statement from each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part; (3) providing a declaration of the actual inventors as required by 37 C.F.R. § 1.63; (4) providing the processing fee set forth in 1.17(i); and, (5) providing the written consent of the assignee.

The request is **GRANTED**.

The application file is being forwarded to the appropriate section of the Patent and Trademark Office for correction of the record.

/Randy Gulakowski/

Randy Gulakowski
Supervisory Patent Examiner
Art Unit 1766
Technology Center 1700

BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44th Floor
NEW YORK NY 10112-4498

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01/30/12

TO SPE OF : ART UNIT 2858

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/048562 Patent No.: 7777493

CofC mailroom date: 08/30/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: Should the changes be made?

RoChaun Hardwick
Certificates of Correction Branch
571 272-0470

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

X Approved **All** changes apply.

☐ ***Approved in Part*** *Specify below which changes **do not** apply.*

☐ **Denied** State the reasons for denial below.

Comments: _____

_____

_____

/Melissa Koval/ _____ **2858**
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DAVID BOGART DORT
STEALTHDRIVE LLC
BOX 320069
ALEXANDRIA VA 22320

MAILED
DEC 22 2011
OFFICE OF PETITIONS

In re Application of
Paul Douglas Cochrane
Application No. 12/048,778
Filed: March 14, 2008
Attorney Docket No. **STEA.P009.A**

DECISION ON PETITION

This is a decision on the petition filed December 8, 2011 under 37 C.F.R. § 1.181 to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration pursuant to § 1.181 must be filed within TWO (2) MONTHS of the date of this decision in order to be considered timely. See 37 CFR §1.181(f). Extensions of time under § 1.136(a) are not permitted.

Petitioner is not precluded from filing a petition to revive pursuant to 37 CFR 1.137.

The issue fee and publication were both paid September 15, 2011, however, after the due date for reply set forth in the Notice of Allowance mailed May 18, 20011. Accordingly, a Notice of Abandonment was mailed November 21, 2011.

Applicants filed the instant petition, asserting that "The Examiner mailed a Supplemental Notice of Allowance (Exhibit 2) on June 16,2011. In the Supplmental Notice of Allowance, the document stated that the Applicant had three months from the "mailing date" in order to respond. The assumption was that because this was an Examiner's Amendment (which was attached), the Applicant had three months to "respond" including paying the issue fee. This was pointed out in the issue fee submission of September 15, 2011."

Upon review of petitioner's arguments and the office record, the showing of record is insufficient to warrant withdrawal of the holding of abandonment. Petitioner made an assumption that the due date for the payment of the issue fee was being reset. In fact, a Corrected Notice of Allowance was mailed May 18, 2011 and the Issue Fee was due not later than August 18, 2011. The Supplemental Notice of Allowability mailed June 16, 2011 did not reset the period for paying the Issue Fee.

Under the circumstances, the holding of abandonment is proper and will not be withdrawn.

ALTERNATIVE VENUES

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(a)[1] or 37 CFR 1.137(b),[2] which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[1]A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.
(2) the petition fee as set forth in 37 CFR 1.17(l);
(3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and
(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

[2]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.
(2) the petition fee as set forth in 37 CFR 1.17(m);
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and
(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Doc Code: PET.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	12048778
Filing Date	14-Mar-2008
First Named Inventor	Paul Cochrane
Art Unit	2835
Examiner Name	INGRID WRIGHT
Attorney Docket Number	STEA.P009.A
Title	VIBRATION AND SHOCK CONTROL PROTECTIVE ENCLOSURES FOR HARD DISK DRIVES AND ARRAYS THEREOF

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.
- [x] STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- (●) An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ( ) An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ( ) A sole inventor
- ( ) A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ( ) A joint inventor; all of whom are signing this e-petition.
- ( ) The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/davidbogartdort50213/
Name	David B. Dort
Registration Number	50213

UNITED STATES 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 9, 2012

In re Application of :

Paul Cochrane

Application No : 12048778

Filed : 14-Mar-2008

Attorney Docket No : STEA.P009.A

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed January 9, 2012 , to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ELIEZER SANDLER
1173 E. 29TH STREET
BROOKLYN, NY 11210

MAILED
AUG 24 2010
OFFICE OF PETITIONS

In re Application of :
Joel N. Bock, et. al. :
Application No. 12/048,932 : ON PETITION
Filed: March 14, 2008 :
Attorney Docket No. 2008-01P :

This is a decision on the petition under 37 CFR 1.137(a), filed May 27, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

This application became abandoned for failure to respond to the Notice of Allowance and Fee(s) Due (Notice) mailed February 22, 2010.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3).

With respect to item (3), petitioner asserts "The issue fee was due on May 24, 2010. Shortly before then I was injured and bedridden and was unable to perform any work related activities. I was, therefore, unable to check my calendar on my computer at work, where I maintain my records regarding the above referenced patent application."

It is noted that petitioner did not provide documents from a licensed health care provider demonstrating the nature and extent of petitioner's incapacitation; in such a manner that petitioner was, from the date of February 22, 2010 until the filing of the petition on May 27, 2010 "unavoidably" prevented from taking any earlier action with respect to this application. Additionally, petitioner must state how she manages to conduct her daily personal and business affairs, including scheduling and settlement of short and long term debts and business obligations, bills, rent or mortgage payments, income taxes etc., during the time in question. Petitioner must demonstrate that her injury was the cause in not timely responding to the Notice mailed February 22, 2010.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982).

A petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Additionally, 37 CFR 1.33(b) states that amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

(1) A patent practitioner of record appointed in compliance with § 1.32(b);
(2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34;
(3) An assignee as provided for under § 3.71(b) of this chapter; or
(4) **All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.**

In this regard, the petition is signed by one of three joint inventors. An unsigned paper or one not properly signed by a person having authority to prosecute an application or patent is not entered. Therefore, as the petition was not signed by all the inventors, the petition filed May 27, 2010 is considered not to contain a proper statement of unintentional delay. Applicants should file a properly signed petition. No additional petition fee is necessary.

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. An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810 petition fee. A form for compliance with 37 CFR 1.137(b) can be found on the USPTO website, See form No. PTO/SB/64.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Any request for reconsideration of this decision 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.

Telephone inquiries concerning this decision should be directed to Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ELIEZER SANDLER
1173 E. 29TH STREET
BROOKLYN, NY 11210

MAILED

JAN 19 2011

OFFICE OF PETITIONS

In re Application of :
Joel N. Bock, et. al. :
Application No. 12/048,932 : ON PETITION
Filed: March 14, 2008 :
Attorney Docket No. 2008-01P :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 22, 2010, to revive the above-identified application.

The petition is again **dismissed**.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional[1]; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). The instant petition lacks item (3).

With respect to item (3), petitioner was informed in the decision mailed August 24, 2010, that since the petition filed on May 27, 2010, was not signed by all the inventors, it was considered not to contain a proper statement of unintentional delay. Therefore, petitioner must submit a properly signed petition under 37 CFR 1.137(b), by all the inventors, unless there is an assignee of entire, right, title and interest that complied with the requirements of 37 CFR 3.73(b). No additional petition fee is necessary.

Petitioner is again reminded that 37 CFR 1.33(b) states that amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

(1) A patent practitioner of record appointed in compliance with § 1.32(b);
(2) A patent pracitioner not of record who acts in a representative capacity under the provisions of § 1.34;
(3) An assignee as provided for under § 3.71(b) of this chapter; or

[1] 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).

(4) **All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.**

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
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

ELIEZER SANDLER
1173 E. 29TH STREET
BROOKLYN, NY 11210

MAILED
MAR 24 2011
OFFICE OF PETITIONS

In re Application of	:	
Joel N. Bock, et. al.	:	
Application No. 12/048,932	:	DECISION ON PETITION
Filed: March 14, 2008	:	
Attorney Docket No. 2008-01P	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 14, 2011, to revive the above-identified application.

In response to the decision mailed January 19, 2011, petitioner submits the present renewed petition, which contains the signature of all the applicants for the above application.

Since the petition now satisfies the requirements of 37 CFR 1.137(b), the petition is hereby **GRANTED**[1].

This application file is being referred to the Office of Data Management for further processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

[1] It is acknowledged that the issue fee and publication fee was submitted on May 27, 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

MAILED
APR 29 2011
OFFICE OF PETITIONS

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of :
Campeau and Bechamp :
Application No.: 12/048,983 : ON PETITION
Filing Date: March 14, 2008 :
Attorney Docket No. 09680.0518US01 :

This is a decision on the "Petition under 37 CFR 1.183", filed March 3, 2011, which will be treated a petition under 37 CFR 1.183 to waive the requirements of 1.32(b)(4). This is also a decision on the petition under 37 CFR 1.137(b), filed March 3, 2011.

The petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.32(b)(4) is **granted**.

The petition under 37 CFR 1.137(b) is **dismissed**.

The above-cited application was filed March 14, 2008, citing joint inventors Stephane Campeau and inventor Paul Bechamp. On March 19, 2009, a petition to withdraw as attorney of record under 37 CFR 1.36 was filed by the firm of DLA Piper, LLP US. The petition was granted by a decision mailed April 6, 2009. On June 23, 2010, a restriction/election requirement was mailed setting forth an extendable period for reply of one month from its mailing date. A response was not received, and the application became abandoned on July 24, 2010. A Notice of Abandonment was mailed January 18, 2011.

Treatment Under 37 CFR 1.183 to Waive the Requirements of 37 CFR 1.32(b)(4)

On March 3, 2011, a "Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address" was filed appointing the firm of Merchant and Gould. The power of attorney was signed by only inventor Bechamp. It is noted that 37 CFR 1.32(b)(4) requires that a power of attorney be executed by all of the applicants or and assignee empowered under 37 CFR 3.73(b). Petitioner files now the instant petition under 37 CFR 1.183 to waive this requirement of 37 CFR 1.32(b)(4) asserting that inventor Campeau is hostile to the prosecution of the application. Section 402.10 of the Manual of Patent Examining Procedure provides that:

> Papers giving or revoking a power of attorney in an application generally require signature by all the applicants or owners of the application. Papers revoking a power of attorney in an application (or giving a power of attorney) will not be accepted by the Office when signed by less than all of the applicants or owners of the application unless they are accompanied by a petition under 37 CFR 1.36(a) and fee under 37 CFR 1.17(f) with a showing of sufficient cause (if revocation), or a petition under 37 CFR 1.183 and fee under 37 CFR 1.17(f) (if appointment) demonstrating the extraordinary situation where justice requires waiver of the requirement of 37 CFR 1.32(b)(4) that the applicant, or the assignee of the entire interest of the applicant sign the power of attorney. The petition should be directed to the Office of Petitions. The acceptance of such papers by petition under 37 CFR 1.36(a) or 1.183 will result in more than one attorney, agent, applicant, or owner

prosecuting the application at the same time. Therefore, each of these parties must sign all subsequent replies submitted to the Office. See *In re Goldstein*, 16 USPQ2d 1963 (Dep. Assist. Comm'r Pat. 1988). In an application filed under 37 CFR 1.47(a), an assignee of the entire interest of the available inventors (i.e., the applicant) who have signed the declaration may appoint or revoke a power of attorney without a petition under 37 CFR 1.36(a) or 1.183. See MPEP § 402.07. However, in applications accepted under 37 CFR 1.47, such a petition under 37 CFR 1.36(a) or 1.183 submitted by a previously nonsigning inventor who has now joined in the application will not be granted. See MPEP § 409.03(i). Upon accepting papers appointing and/or revoking a power of attorney that are signed by less than all of the applicants or owners, the Office will indicate to applicants who must sign subsequent replies. Dual correspondence will still not be permitted. Accordingly, when the acceptance of such papers results in an attorney or agent and at least one applicant or owner prosecuting the application, correspondence will be mailed to the attorney or agent. When the acceptance of such papers results in more than one attorney or agent prosecuting the application, the correspondence address will continue to be that of the attorney or agent first named in the application, unless all parties agree to a different correspondence address. Each attorney or agent signing subsequent papers must indicate whom he or she represents.

The following are examples of who must sign replies when there is more than one person responsible for prosecuting the application:

(A) If coinventor A has given a power of attorney to a patent practitioner and coinventor B has not, replies must be signed by the patent practitioner of A and by coinventor B.

(B) If coinventors A and B have each appointed their own patent practitioner, replies must be signed by both patent practitioners.

It is noted that a petition under 37 CFR 1.138 to expressly abandon the application was filed in the application and dismissed by a decision mailed January 26, 2009, because it lacked the signature of inventor Bechamp. It is further noted that the restriction/election requirement mailed June 23, 2010, to which no response was received was mailed to inventor Campeau. This, in addition to the statements offered by inventor Bechamp, seems to demonstrate that inventor Campeau is hostile to the further prosecution of the application. A petition under 37 CFR 1.183 is appropriate where an extraordinary situation where justice requires waiver of the requirement of 37 CFR 1.32(b)(4) which is not also a requirement of the statutes. Petitioner has demonstrated that an extraordinary situation exists that requires waiver of the requirement of 37 CFR 1.32(b)(4) that all the applicants or the assignee sign the power of attorney. The petition is granted, accordingly. The power of attorney filed March 3, 2011, is made of record.

Deposit account 13-2725 will be charged $400.00 for the instant petition fee.

Treatment under 37 CFR 1.137(b)

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a non-provisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee, or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The petition under 37 CFR 1.137(b) does not satisfy items (1) and (3) above.

It is noted that Section 402.10 of the Manual of Patent Examining Procedure provides that the acceptance of a power of attorney by petition under 37 CFR 1.183 will result in more than one attorney, applicant, or owner prosecuting the application at the same time. Therefore, each of these parties must sign all subsequent replies submitted to the Office. The reply to the restriction/election requirement filed March 3, 2011, cannot be accepted because it is signed by only the attorney for inventor Bechamp and lacks the signature of inventor Campeau. Likewise, the statement of unintentional delay cannot be accepted because it is signed by only the attorney for inventor Bechamp. The petition under 37 CFR 1.137(b) must be dismissed accordingly. Any renewed petition filed must include the signature of both joint inventors, or the attorney of record and inventor Campeau or his duly appointed agent. The reply to the restriction/election requirement must also be signed by either both inventors or the attorney of record and inventor Campeau.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this matter 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
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MAILED
JUL 11 2011
OFFICE OF PETITIONS

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of :
Campeau and Bechamp :
Application No.: 12/048,983 : ON PETITION
Filing Date: March 14, 2008 :
Attorney Docket No. 09680.0518US01 :

This is a decision on the "Request for Reconsideration of Decision on Petition" filed June 29, 2011. The petition will be treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.33(b).

The petition is **dismissed**[1].

The above-cited application was filed March 14, 2008, citing joint inventors Stephane Campeau and inventor Paul Bechamp. On March 19, 2009, a petition to withdraw as attorney of record under 37 CFR 1.36 was filed by the firm of DLA Piper, LLP US. The petition was granted by a decision mailed April 6, 2009. On June 23, 2010, a restriction/election requirement was mailed setting forth an extendable period for reply of one month from its mailing date. A response was not received, and the application became abandoned on July 24, 2010. A Notice of Abandonment was mailed January 18, 2011.

On March 3, 2011, a "Petition under 37 CFR 1.183" was filed requesting waiver of the requirement under 37 CFR 1.32(b)(4) that either all the applicants or the assignee of the entire interest of the application sign the power of attorney or document revoking the same. A petition to revive the application under 37 CFR 1.137(b) was also filed on March 3, 2011, with only the signature of the registered agent representing inventor Bechamp.

On April 29, 2011, a decision on the petitions was mailed. The petition under 37 CFR 1.183 requesting waiver of the provisions of 37 CFR 1.32(b)(4) was granted resulting in entry of the power of attorney to Merchant & Gould as to only inventor Bechamp. The petition under 37 CFR 1.137(b) was dismissed, however, because the petition and the response to the restriction/election requirement that accompanied it was signed by only the representative of inventor Bechamp.

By the instant petition, petitioner requests waiver of the requirement under 37 CFR 1.33(b) that either all of the applicants, the assignee empowered under 37 CFR 3.73(b), or a duly appointed registered agent sign the petition and the response to the restriction/election requirement. Petitioner asserts that such an extraordinary situation exists and justice requires waiver of the requirement of 37 CFR 1.33(b).

Petitioner's argument has been considered, but is not persuasive. Further to this point, 37 CFR 1.33(b) provides, in pertinent part that:

[1] This decision was made in consultation with the supervisory staff of the Office of Petitions.

b) *Amendments and other papers.* Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

(1) A patent practitioner of record appointed in compliance with § 1.32(b);

(2) patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34;

(3) An assignee as provided for under § 3.71(b) of this chapter; or

(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Further, 37 CFR 1.183 provides:

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(f).

Suspension of the rules under 37 CFR 1.183 may be granted in an "extraordinary situation, when justice requires." The facts presented on the record do not adequately establish an extraordinary situation. Petitioner has not established any special circumstances of equities that would require suspension of the rules in the interests of justice that would require waiver of the rules because no other remedy is available. Petitioner may file a continuing application claiming priority to non-provisional application 12/350,021 with a petition under 37 CFR 1.47(a) for inventor Campeau. It is noted that non-provisional application 12/350,021, filed January 7, 2009, claims priority back to the subject application. As there is an adequate remedy available to petitioner that conforms with the rules, it is not appropriate to grant a petition to waive or suspend the rules in this instance. The petition under 37 CFR 1.183 is dismissed, accordingly.

Telephone inquiries regarding this matter 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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LEWIS AND ROCA LLP
1663 Hwy 395, Suite 201
Minden NV 89423

MAILED
DEC 06 2011
OFFICE OF PETITIONS

In re Application of
MONCRIEFF et al.
Application No. 12/049,134
Filed: 03/14/2008
Attorney Docket No. CFT-011COA

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 17, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed May 10, 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 August 11, 2011. A Notice of Abandonment was mailed on November 17, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 1771 for appropriate action by the Examiner on the reply received on November 17, 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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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Bahcei et al.	:	DECISION ON PETITION
Application No. 12/049,225	:	TO WITHDRAW
Filed: March 14, 2008	:	FROM RECORD
Attorney Docket: 027230-000110US	:	

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 3, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that Townsend and Townsend and Crew, LLP were revoked as power of attorney by the assignee of the patent application on June 8, 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: JONATHAN P. O'BRIEN, PH.D., HONIGMAN MILLER
SCHWARTZ AND COHN LLP
350 EAST MICHIGAN AVENUE, SUITE 300
KALAMAZOO, MI 49007-3800

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: 35485-705-201	Application Number (if known): 12/049,230	Filing date: March 14, 2008
First Named Inventor: Carolyn R. Kahn, et al.		
Title: Silicon Electrochemical Sensors		

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: Preliminary Amendment

Signature	Date January 5, 2011
Name (Print/Typed) Karen K. Wong	Registration Number 44,409

***Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☐ *Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT
Attorney Docket No. 35485-705.201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:		Confirmation No.:	**6471**
Inventor:	Carolyn R. Kahn, et al.	Examiner:	Jennifer M. Dieterle
Application No.:	12/049,230	Group Art Unit:	1795
Filed:	March 14 2008	Customer No.	**21971**
Title:	**SILICON ELECTROCHEMICAL SENSORS**		

FILED ELECTRONICALLY ON: JANUARY 5, 2011

STATEMENT ACCOMPANYING PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

Applicants herewith submit the following statement accompanying a Petition to Make Special under the Green Technology Pilot Program:

Applicants' invention can materially enhance the quality of the environment by providing robust pH sensors. The silicon electrode voltammetric pH sensors of Applicants' invention can be used in air scrubbers that limit pollutant emissions, and various manufacturing operations, such as the manufacture of coatings, cleaners and sealers that enhance paint and finish bonding, metal passivation to protect substrates during shipment and storage, and paint spray booth treatments that enhance quality and efficiency. Silicon electrode voltammetric pH sensors of Applicants' invention can also be used for the measurement of pH in processes related to treating sewage and liquid waste from industry and commerce. In these applications, the reliable measurement of pH can be an integral part of the process.

CONCLUSION

Applicants respectfully request the Examiner to accept this Petition to Make Special under the Green Technology Pilot Program and advance the application to issuance.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 35485-705.201).

Respectfully submitted,

Date: January 5, 2011

By: _____
Karen K. Wong
Registration No. 44,409

WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94304-1050
Telephone: (650) 493-9300
Customer No. 21971

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.
12/049,230	03/14/2008	Carolyn R. Kahn	35485-705.201	6471

21971 7590 01/18/2011
WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

EXAMINER
DIETERLE, JENNIFER M

ART UNIT	PAPER NUMBER
1759	

MAIL DATE	DELIVERY MODE
01/18/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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01/18/11

WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

In re Application of	:	
Carolyn R. Kahn et al.	:	DECISION ON PETITION
Application No. 12/049,230	:	TO MAKE SPECIAL UNDER
Filed: March 14, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 35485-705.201	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 05, 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. The claimed invention, i.e. a sensor for detecting the presence of an analyte, does not meet the materiality standard required for entry into the Green Technology Pilot. As set forth in the Federal Register Notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially enhance the quality of the environment. Applicant's materiality standard statement is directed solely to such hypothetical end-user embodiments.

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 inquires concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action in its regular turn.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Spécialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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ABSOLUTE TECHNOLOGY LAW GROUP LLC
3316 W. Wisconsin Avenue
MILWAUKEE WI 53208

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of	:	
David Myers	:	
Application No. 12/049,366	:	DECISION ON PETITION
Filed: March 16, 2008	:	TO WITHDRAW
Attorney Docket No. MYERS-NONP-0208	:	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 9, 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 Jill Gilbert Welytok on behalf of all attorneys/agents associated with customer number 57520. All attorneys/agents associated with customer number 57520 have been withdrawn.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Dave Myers
E. Edward 9175 Cutoff Road
New London, WI 54961

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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
12/049,366	03/16/2008	David Myers	MYERS-NONP-0208

CONFIRMATION NO. 6748

57520
ABSOLUTE TECHNOLOGY LAW GROUP LLC
3316 W. Wisconsin Avenue
MILWAUKEE, WI 53208

POWER OF ATTORNEY NOTICE

OC000000044825291

Date Mailed: 12/06/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/09/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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YOUNG & THOMPSON
209 MADISON STREET
SUITE 500
ALEXANDRIA VA 22314

MAILED

MAR 24 2011

OFFICE OF PETITIONS

In re Application of	:	
Hahn et al.	:	DECISION ON PETITION
Application No. 12/049,397	:	TO WITHDRAW
Filed: March 17, 2008	:	FROM RECORD
Attorney Docket No. 0503-1115-1	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 11, 2011.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on February 11, 2011 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

> (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
>
> (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
>
> (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with the above certifications.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Further, the instant application became abandoned on November 24, 2010 for failure to timely respond to the Office action mailed August 23, 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 be treated on the merits, but will only be placed in the application.

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

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BAKER HUGHES INCORPORATED
P.O. BOX 4740
HOUSTON, TX 77210-4740

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OCT 07 2010
OFFICE OF PETITIONS

In re Application of
Lars Quernheim et al
Application No. 12/049,492
Filed: March 17, 2008
Attorney Docket No. DDE4-46247-US(INT0036US)

ON PETITION

This is a decision on the petition, filed October 6, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 13, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries should be directed to Irvin Dingle at (571) 2723210.

This matter is being referred to Technology Center AU 3672 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Cantor Colburn LLP
20 Church Street, 22nd Floor
Hartford, CT 06103

---

[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).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/29/2011

TO SPE OF : ART UNIT 1762

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/049542 Patent No.: 7943675 B2

CofC mailroom date: 11/17/2011

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: The Title information

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.

- [x] **Approved** — All changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments:

R. Wu — SPE

1762 — Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Paper No.

WILSON, SONSINI,
GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

MAILED
AUG 29 2011
OFFICE OF PETITIONS

In re Application of :
Fallon et al. : DECISION ON PETITION
Application No. 12/049,613 :
Filed: March 17, 2008 :
Atty Docket No. 41012-715.401 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) and PETITION UNDER 37 §1.182 EXPEDITED REVIEW OF EARLIER FILED PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT both filed (Tuesday) August 16, 2011.

The petition for expedited consideration includes payment of the petition fee under 1.182. The relief requested is warranted. Accordingly, the petition to revive is being considered out of turn.

The petition for expedited consideration under § 1.182 is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the final Office action mailed February 14, 2011. The Office action set a three (3) month shortened statutory period for reply, with extensions of time obtainable under 37 CFR 1.136(a). No reply having been received and no extensions of time obtained, the above-identified application became abandoned on May 15, 2011. The filing of the instant petition precedes the mailing of a courtesy Notice of Abandonment.

Petitioner seeks revival solely for continuity purposes.

The petition is **GRANTED**.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the application, the application is again abandoned in favor of the continuation application (No. 13/204,881), filed August 8, 2011.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555 extension of time fee submitted with the petition on August 16, 2011 was submitted subsequent to the maximum extendable period for reply, this fee is unnecessary and is being refunded.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Beusse Wolter Sanks Mora & Maire
390 N. Orange Avenue
Suite 2500
Orlando, FL 32801

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SEP 09 2010

OFFICE OF PETITIONS

In re Application of	:	
George Taylor	:	
Application No. 12/049,640	:	DECISION ON PETITION
Filed: March 17, 2008	:	TO WITHDRAW FROM
Attorney Docket No. 11426-002	:	RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed June 22, 2010.

The request is **APPROVED**.

The request was signed by Timothy H. Van Dyke on behalf of himself and all the attorneys/agents of record. Therefore, Timothy H. Van Dyke and all the attorneys/agents of record have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

All future communications from the Office will be directed to the sole inventor at the address listed below until otherwise properly notified by the applicant.

This application file is abandoned for failure to respond to the non-final Office action mailed on January 26, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: George Taylor
304 S. Spring Garden Avenue
Deland, FL 32720

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 21,2011

In re Application of :

Wataru YAMADA

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12049684

Filed : 17-Mar-2008

Attorney Docket No : 136331

This is an electronic 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 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 1721 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	12049684
Filing Date	17-Mar-2008
First Named Inventor	Wataru YAMADA
Art Unit	1721
Examiner Name	STEWART FRASER
Attorney Docket Number	136331
Title	ELECTROPHOTOGRAPHIC PHOTORECEPTOR, PROCESS CARTRIDGE AND IMAGE FORMING APPARATUS

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:
(1) Petition fee; and
(2) One of the following reasons:
(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☐ Applicant(s) status remains as SMALL ENTITY.

☒ Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

○ One or more claims are unpatentable

◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)

○ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request,submission, and fee.

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on

☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

○ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

◉ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

○ A sole inventor

○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

○ A joint inventor; all of whom are signing this e-petition

○ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Aya Suzuki/
Name	Aya Suzuki
Registration Number	64621

UNITED STATES PATENT AND TRADEMARK OFFICE

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SINORICA, LLC
19785 Crystal Rock Drive
Suite 207
Germantown MD 20874

MAILED
JAN 26 2012
OFFICE OF PETITIONS

In re Application of :
Chia-Lun Tang :
Application No. 12/049,694 : ON PETITION
Filed: 03/17/2008 :
Attorney Docket Number: TW-SRA-0668 :

This is in response to the petition under 37 CFR 1.84(a)(2), filed on May 12, 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:

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.

[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 petition is not accompanied by 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.

Furthermore, petitioner states that "[t]he drawings in colors are deemed to be necessary in supporting the subject application. 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." The Office has determined that a color drawings or photograph is not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented.

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

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2815.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

We claim:

1. A method for use with an individual who faces long term memory challenges comprising:

automatically capturing a record of experiential content to which the individual is exposed during a given episode;

automatically associating the record of experiential content with metadata that characterizes the given episode;

automatically using the record of experiential content to re-expose the individual to at least portions of the given episode to thereby encourage development of a long term recollection of at least a portion of the given episode.

2. The method of claim 1 wherein the record of experiential content comprises both audio content and visual content.

3. The method of claim 1 wherein automatically associating the record of experiential content with metadata that characterizes the given episode comprises, at least in part, automatically accessing a calendar for the individual and using information in the calendar as the metadata.

4. The method of claim 1 wherein automatically using the record of experiential content to re-expose the individual to at least portions of the given episode comprises, at least in part, re-exposing the individual to at least portions of the given episode within a relatively short period of time following a conclusion of the given episode.

5. The method of claim 4 wherein re-exposing the individual to at least portions of the given episode within a relatively short period of time following a conclusion of the given episode comprises, at least in part, determining an extent of re-exposing the individual to at least portions of the given episode within a relatively short period of time following a conclusion of the given episode.

6. The method of claim 5 wherein determining an extent of re-exposing the individual to at least portions of the given episode within a relatively short period of time following a conclusion of the given episode comprises, at least in part, determining whether re-exposing

the individual at this time will likely sufficiently aid with respect to encouraging the development of the long term recollection.

7. The method of claim 6 wherein determining whether re-exposing the individual at this time will likely sufficiently aid with respect to encouraging the development of the long term recollection comprises, at least in part, taking into account future scheduled episodes having at least a given amount of similarity to the given episode.

8. The method of claim 1 wherein automatically using the record of experiential content to re-expose the individual to at least portions of the given episode comprises, at least in part, re-exposing the individual to at least portions of the given episode shortly prior to the individual being exposed to a subsequent similar episode.

9. The method of claim 8 wherein re-exposing the individual to at least portions of the given episode shortly prior to the individual being exposed to a subsequent similar episode comprises also re-exposing the individual to at least portions of other previously captured episodes as a function, at least in part, of a determined degree of similarity between the given episode and other previously captured episodes.

10. The method of claim 1 wherein automatically using the record of experiential content to re-expose the individual to at least portions of the given episode to thereby encourage development of a long term recollection of at least a portion of the given episode comprises, at least in part, automatically abridging the record of experiential content to re-expose to the individual by, at least in part, reducing a re-exposure to redundant experiential content.

11. The method of claim 1 wherein automatically using the record of experiential content to re-expose the individual to at least portions of the given episode to thereby encourage development of a long term recollection of at least a portion of the given episode comprises, at least in part:

receiving feedback from the individual with respect to the record of experiential content to which the individual is re-exposed;

automatically evaluating the feedback, at least in part, by comparison with the metadata.

12. The method of claim 11 further comprising:

automatically effecting early termination of re-exposing the individual to at least portions of the given episode when automatically evaluating the feedback indicates insufficient progress with respect to developing the long term recollection.

13. An apparatus for use with an individual who faces long term memory challenges comprising:

a memory;

an experience capture interface;

an end user interface;

a processor operably coupled to the memory, the experience capture interface, and the end user interface, and being configured and arranged to:

automatically capture a record of experiential content to which the individual is exposed during a given episode and store the record in the memory;

automatically associate the record of experiential content with metadata that characterizes the given episode;

automatically use the record of experiential content to re-expose the individual, via the end user interface, to at least portions of the given episode to thereby encourage development of a long term recollection of at least a portion of the given episode.

14. The apparatus of claim 13 wherein the record of experiential content comprises both audio content and visual content.

15. The apparatus of claim 13 wherein the processor is configured and arranged to automatically associate the record of experiential content with metadata that characterizes the given episode by, at least in part, automatically accessing a calendar for the individual and using information in the calendar as the metadata.

16. The apparatus of claim 13 wherein the processor is configured and arranged to automatically use the record of experiential content to re-expose the individual to at least portions of the given episode by, at least in part, re-exposing the individual to at least portions of the given episode within a relatively short period of time following a conclusion of the given episode.

17. The apparatus of claim 16 wherein the processor is configured and arranged to re-expose the individual to at least portions of the given episode within a relatively short period of time following a conclusion of the given episode by, at least in part, determining an extent of re-exposing the individual to at least portions of the given episode within a relatively short period of time following a conclusion of the given episode.

18. The apparatus of claim 17 wherein the processor is configured and arranged to determine whether to re-expose the individual to at least portions of the given episode within a relatively short period of time following a conclusion of the given episode by, at least in part, determining an extent of re-exposing the individual to at least portions of the given episode within a relatively short period of time following a conclusion of the given episode as a function, at least in part, of determining whether re-exposing the individual at this time will likely sufficiently aid with respect to encouraging the development of the long term recollection.

19. The apparatus of claim 18 wherein the processor is configured and arranged to determine whether re-exposing the individual at this time will likely sufficiently aid with respect to encouraging the development of the long term recollection by, at least in part, taking into account future scheduled episodes having at least a given amount of similarity to the given episode.

20. The apparatus of claim 13 wherein the processor is configured and arranged to automatically use the record of experiential content to re-expose the individual to at least portions of the given episode by, at least in part, re-exposing the individual to at least portions of the given episode shortly prior to the individual being exposed to a subsequent similar episode.

21. The apparatus of claim 20 wherein the processor is configured and arranged to re-expose the individual to at least portions of the given episode shortly prior to the individual being exposed to a subsequent similar episode by also re-exposing the individual to at least portions of other previously captured episodes as a function, at least in part, of a determined degree of similarity between the given episode and the other previously captured episodes.

22. The apparatus of claim 13 wherein the processor is configured and arranged to automatically use the record of experiential content to re-expose the individual to at least portions of the given episode to thereby encourage development of a long term recollection of at least a portion of the given episode by, at least in part, automatically abridging the record of experiential content to re-expose to the individual by, at least in part, reducing a re-exposure to redundant experiential content.

23. The apparatus of claim 13 wherein the processor is configured and arranged to automatically use the record of experiential content to re-expose the individual to at least portions of the given episode to thereby encourage development of a long term recollection of at least a portion of the given episode by, at least in part:

receiving feedback from the individual with respect to the record of experiential content to which the individual is re-exposed;

automatically evaluating the feedback, at least in part, by comparison with the metadata.

24. The apparatus of claim 23 wherein the processor is configured and arranged:

automatically effect early termination of re-exposing the individual to at least portions of the given episode when automatically evaluating the feedback indicates insufficient progress with respect to developing the long term recollection.

PTO/SB/20PCT-KR (06-10)
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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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:	12/049,789	Filing date:	March 17, 2008
First Named Inventor:	Leslie G. Seymour		
Title of the Invention:	Method and Apparatus to Encourage Development of Long Term Recollections of Given Episodes		

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/US2009/036528

The international date of the corresponding PCT application(s) is/are: March 9, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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.:	12/049,789
First Named Inventor:	Leslie G. Seymour

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 October 27, 2009

(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 October 27, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1 through 24	1 through 24	Same

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/Steven G. Parmelee/	Date	August 24, 2010
Name (Print/Typed)	Steven G. Parmelee	Registration Number	28,790

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/049,789	03/17/2008	Leslie G. Seymour	8743/92523	7518

22242 7590 08/25/2010
FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

EXAMINER
SAADAT, CAMERON

ART UNIT	PAPER NUMBER
3715	

MAIL DATE	DELIVERY MODE
08/25/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

In re Application of	:	
SEYMOUR, LESLIE G.	:	DECISION ON REQUEST TO
Application No. 12/049,789	:	PARTICIPATE IN PATENT
Filed: March 17, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 8743/92523	:	PROGRAM AND PETITION
For: METHOD AND APPARATUS TO ENCOURAGE DEVELOPMENT OF LONG TERM RECOLLECTIONS OF GIVEN EPISODES	:	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 Aug. 24, 2010 to make the above-identified application special.

The request and petition are GRANTED.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

All other inquiries concerning the examination or status of the application should be directed to Xuan Thai, the SPE of Art Unit 3715 and 571-272-7147 for Class 434/238 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.

The 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

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MAILED
FEB 27 2012
OFFICE OF PETITIONS

Robert O. Groover
Box 293748
Lewisville TX 75029

In re Application of

Parker :

Application No. 12/050,035

: DECISION ON PETITION

Filed: March 17, 2008

:

Attorney Docket No. **MBC-079**

This is a decision on the petition under 37 CFR 1.137(b), filed February 1, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 7, 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 September 8, 2010. A Notice of Abandonment was mailed on December 15, 2010.

The amendment filed February 1, 2012, is noted.

The application is being forwarded to Technology Center 2800, GAU 2881 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

In re Application of	:	
Grigoriy Basin, et al.	:	
Application No. 12/050,082	:	DECISION ON PETITION
Filed: March 17, 2008	:	
Attorney Docket No. 010003US1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 29, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed December 29, 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 at midnight January 30, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election and amendment, (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3213.

This application is being referred to Technology Center AU 2892 for appropriate action by the Examiner in the normal course of business on the reply received July 29, 2010.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/050,108	03/17/2008	Akihiko Ono	430.0079USU	8063

7590 06/29/2011
Charles N.J. Ruggiero, Esq.
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
10th Floor
One Landmark Square
Stamford, CT 06901-2682

EXAMINER
LEONG, JONATHAN G

ART UNIT	PAPER NUMBER
1725	

MAIL DATE	DELIVERY MODE
06/29/2011	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☑ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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SCHOX PLC
500 3rd Street, Suite 515
San Francisco CA 94107

MAILED
JUL 08 2011
OFFICE OF PETITIONS

In Re application of	:	
Samuel B. Homans	:	
Application No. 12/050,117	:	ON PETITION
Filed: March 17, 2008	:	
Attorney Docket No. ALIT-P01	:	

This is a decision on the Petition to Expunge, filed May 17, 2011, which is being treated as a petition under 37 CFR 1.59 to expunge information from the above identified application.

The petition is **granted**.

Petitioner requests that the Amendment/Req. For Reconsideration-After Non-Final Rejection along with Drawings, be expunged from the record. Petitioner indicates the papers were filed under EFS ID 10102837 and that they were filed erroneously.

The information in question has been determined by the undersigned to not be material to the examination of the instant application. The information was clearly intended to be filed in a different application.

The expunged material has been removed from the official file.

In accordance with MPEP 724.05(III), no petition is needed since the papers in question were clearly identified for a different application.

Telephone inquiries relative to this decision should be directed to Carl Friedman at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

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Perkins Coie LLP
700 Thirteenth Street, NW
Suite 600
Washington, DC 20005-3960

MAILED

JUN 17 2011

OFFICE OF PETITIONS

In re Application of	:	
Eissenstat	:	DECISION ON PETITION
Application No. 12/050,125	:	FOR PATENT TERM ADJUSTMENT
Filed: March 17, 2008	:	
Attorney Docket No. 00956-8010.US01	:	

This is a decision on the "Application for Patent Term Adjustment Under 37 C.F.R. § 1.705(b)" filed June 8, 2011, which is being treated as a petition under 37 C.F.R. § 1.705(b). The petition requests the initial determination of patent term adjustment be corrected from four hundred four (404) days to four hundred thirty-three (433) days.

The petition is **dismissed**.

The Office issued a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) on March 8, 2011, advising Applicant of a patent term adjustment to date of 404 days. In response, Applicant timely filed the instant petition with the issue fee on June 8, 2011. The petition asserts the Office's patent term adjustment calculation is incorrect because it improperly includes a 29-day reduction in patent term adjustment for delay under 37 C.F.R. § 1.704.

The Office mailed an Office action on August 23, 2010. Applicant filed a reply to the Office action on December 23, 2010. The examiner and Applicant's representative subsequently discussed the application on two occasions. The petition states,

> In a brief discussion initiated by the Examiner on December 28, 2010, and a second discussion on January 18, 2011, the Examiner identified potentially allowable subject matter, and discussed amendments that would place the application in probable condition for allowance.

Applicant filed an amendment on January 21, 2011. The petition states the amendment implemented suggestions made by the examiner. As a result of the submission of the amendment, the Office subsequently entered a 29-day reduction in patent term adjustment for delay under 37 C.F.R. § 1.704(c)(8).

The petition asserts none of the sections of 37 C.F.R. § 1.704 support the entry of the 29-day reduction in patent term adjustment. The petition states, "[37 C.F.R.] § 1.704(c)(8) cannot be said to apply as the response of January 21, 2010, did not 'supplement' the response of December 23, 2010."

The provisions of 37 C.F.R. § 1.704(c)(8) are not limited to supplemental replies. Pursuant to 37 C.F.R. § 1.704(c)(8), circumstances that will result in a reduction in the period of adjustment include, with emphasis added,

> Submission of a supplemental reply <u>or other paper</u>, other than a supplemental reply <u>or other paper</u> 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 <u>or other such paper</u> was filed.

The January 21, 2010 amendment was clearly a paper filed after a reply had already been filed, and the record does not indicate the examiner expressly requested the submission of the amendment. Therefore, the entry of a reduction in patent term adjustment based on the submission of the amendment was proper.

In view of the prior discussion, the patent term adjustment remains 404 days as of the date the Office issued the Notice of Allowance.

Submission of the $200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged.

Applicant is reminded any delays by the Office pursuant to 37 C.F.R. §§ 1.702(a)(4) and 1.702(b) and any delays by Applicant under 37 C.F.R. § 1.704(c)(10) will be calculated at the time of the issuance of the patent and Applicant will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

MAILED
AUG 10 2010
OFFICE OF PETITIONS

In re Application of	:	
Christopher, et al.	:	
Application No. 12/050,229	:	DECISION
Filed: 18 March, 2008	:	
Attorney Docket No. NPS-PT010.2	:	

This is a decision on the petition filed on 29 June, 2010, to revive an application pursuant to 37 C.F.R. §1.137(b) as having been abandoned due to unintentional delay.

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to a non-final Office action mailed on 27 October, 2009, with reply due absent extension of time on or before 27 January, 2010.

The application went abandoned by operation of law after midnight 27 January, 2010.

The Office mailed the Notice of Abandonment on 8 June, 2010.

On 29 June, 2010, Petitioner filed, *inter alia*, a petition with fee pursuant to 37 C.F.R. §1.137(b), a reply in the form of an amendment with terminal disclaimer and fee, 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**.

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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.

The instant application is released to Technology Center 3711 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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VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

MAILED
MAR 01 2011
OFFICE OF PETITIONS

In re Application of	:	
James T. Christopher, et al.	:	
Application No. 12/050,229	:	NOTICE
Filed: May 14, 2009	:	
Attorney Docket No. **072-58US**	:	

This is a notice regarding your request filed January 18,2011, for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/050,263	03/18/2008	Takayoshi HIBI	ADACHI P295US	8379

20210 7590 01/18/2011
DAVIS & BUJOLD, P.L.L.C.
112 PLEASANT STREET
CONCORD, NH 03301

EXAMINER
BECKER, DREW E

ART UNIT	PAPER NUMBER
1782	

MAIL DATE	DELIVERY MODE
01/18/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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01/18/11

wk

Mailed:
In re application of :
Hibi : DECISION ON
Serial No. 12/050,263 : PETITION
Filed: 03/18/2008 :
For: METHOD OF STORING ROASTED COFFEE BEANS

This is a decision on a PETITION filed December 8, 2010, 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 the documents filed December 3, 2010 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.

12/050,263

The images will be removed from the Official file.

/SHARON GIBSON/

Sharon A. Gibson, Director
Technology Center 1700
Chemical and Materials Engineering

Michael J. Bujoid
DAVIS & BUJOLD, P.L.L.C.
112 PLEASANT STREET
CONCORD NH 03301

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Husch Blackwell Sanders LLP Welsh & Katz
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

MAILED

JUL 20 2011

OFFICE OF PETITIONS

In re Application of Hirakata et al. :
Application No. 12/050,319 :
Filing Date: March 18, 2008 :
Attorney Docket No. 0553-0670 :

Decision on Petition

This is a decision on the petition filed June 15, 2011, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter titled "Renewed Petition under 37 CFR 1.181."

Background

The Office mailed a non-final Office action including a requirement for restriction/election on October 14, 2010. The Office action set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later).

Payment for a one-month extension of time was electronically submitted for the instant application on November 17, 2010. Therefore, a reply to the October 14, 2010 Office action could have been timely filed as late as December 14, 2010.

The Office did not receive a proper reply to the Office action on or before December 14, 2010. As a result, the application became abandoned on December 15, 2010.

The Office mailed a Notice of Abandonment on May 23, 2011. The notice stated the application was abandoned because a reply was not received in response to the Office action mailed October 14, 2010.

The instant petition was filed June 15, 2011. The petition states the holding of abandonment should be withdrawn because a reply was timely filed in response to the October 14, 2010 Office action.

Discussion

The petition asserts an acknowledgement receipt (Exhibit B) filed with the petition demonstrates a reply (Exhibit A) was filed November 17, 2010.

Exhibit A is a 10-page response to the October 14, 2010 Office action and a 1-page request for an extension of time.

Exhibit B is an acknowledgement receipt indicating an 18-page document and a 1-page extension of time were filed November 17, 2010.

Since the response filed with the petition is only 10 pages long, instead of 18 pages, the acknowledgement receipt fails to prove a reply identical to Exhibit A was filed November 17, 2010.

The Office has reviewed Office records and located the 18-page document and 1-page request for extension of time electronically submitted in the file for the instant application on November 17, 2010. However, the petition cannot be granted because the papers pertained to another application.

A review of Office records indicates:

1. The law firm of Husch Blackwell Sanders LLP filed the instant application on March 18, 2008;

2. The law firm of Husch Blackwell Sanders LLP has been handling the prosecution of Application No. 11/292,262 since at least May 28, 2008;

3. The law firm filed an 18-page amendment, 1-page request for an extension of time, and 2-page fee worksheet in Application No. 11/292,262 at 4:41 pm on November 17, 2010;

4. The law firm electronically submitted an 18-page document, 1-page request for an extension of time, and 2-page fee worksheet in the image file wrapper for the instant application at 5:06 pm on November 17, 2010;

5. A. The November 17, 2010 acknowledgment receipt in Application No. 11/292,262 lists the size of the 18-page amendment as 1,216,617 bytes; and

   B. The November 17, 2010 acknowledgment receipt in the instant application lists the size of the 18-page document as 1,216,617 bytes;

6. A. The November 17, 2010 acknowledgment receipt in Application No. 11/292,262 lists the size of the 1-page request for an extension of time as 137,603 bytes; and

   B. The acknowledgment receipt in the instant application lists the size of the 1-page request for an extension of time as 137,603 bytes;

7. The 18-page document electronically filed in the file wrapper for the instant application is identical to the 18-page amendment filed in Application No. 11/292,262;

8. The 1-page request for an extension of time electronically filed in the file wrapper for the instant application is identical to the 1-page request for an extension of time filed in Application No. 11/292,262;

9. An Office employee removed the 18-page document and 1-page request filed November 17, 2010, from the file wrapper for the instant application; and

10. The Office employee may well have removed the November 17, 2010 papers from the file wrapper for the instant application because the papers clearly pertain to Application No. 11/292,262 as shown by the application number, title, inventors, and attorney docket number set forth in the papers.

In view of the prior discussion, the holding of abandonment will not be withdrawn.

A copy of the 18-page document and 1-page request for an extension of time submitted in the instant application on November 17, 2010, is enclosed.

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee ($1,620 for a large entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

A copy of a PDF "fillable" petition under 37 CFR 1.137(b) form can be found at: http://www.uspto.gov/web/forms/sb0064.pdf.

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.[1] Document Code "PET.OP" should be used if the request is filed electronically.

By facsimile: (571) 273-8300
Attn: Office of Petitions

[1] General Information concerning EFS Web can be found at http://www.uspto.gov/patents/process/file/efs/index.jsp.

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
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

Enclosure: Copy of 18-page document and 1-page request for an extension of time filed in the instant application on November 17, 2010

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CHICAGO, IL 60606

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SEP 23 2011

OFFICE OF PETITIONS

In re Application of Hirakata et al. :
Application No. 12/050,319 :
Filing Date: March 18, 2008 :
Attorney Docket No. 0553-0670 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(b) filed September 7, 2011, which requests revival of the above-identified application.

The petition is **granted**.

The Office mailed a non-final Office action including a requirement for restriction/election on October 14, 2010. The Office action set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later).

Payment for a one-month extension of time was electronically submitted for the instant application on November 17, 2010. Therefore, a reply to the October 14, 2010 Office action could have been timely filed as late as December 14, 2010.

The Office did not receive a proper reply to the Office action on or before December 14, 2010. As a result, the application became abandoned on December 15, 2010.

The Office mailed a Notice of Abandonment on May 23, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(2) The petition fee, and

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.[1]

The petition satisfies the requirements of 37 CFR 1.137(b) in so far as petitioner has supplied (1) a reply in the form of an election, (2) the required petition fee of $1,620,, and (3) the required statement of unintentional delay. Therefore, the petition is granted and the application is revived.

Technology Center Art Unit 2891 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

[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.

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CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 BROAD HOLLOW ROAD
SUITE 420
MELVILLE NY 11747

MAILED
MAY 18 2011
OFFICE OF PETITIONS

In re Application of :
Nisonov :
Application No. 12/050,401 :
Filed: March 18, 2008 :
Attorney Docket No. 1879-2 (1147-001) :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 24, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned March 5, 2010 for failure to timely submit a proper reply to the final Office action mailed December 4, 2009. The final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed February 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) set forth above. The examiner of record has determined that the proposed reply fails to place the application in condition for allowance.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 4, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by

37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See, MPEP 711.03(c)(III)(A)(2).

Since the amendment submitted does not *prima facie* place the application in condition for allowance, the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205. Inquiries concerning the required reply must be directed to the examiner of record.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

Enclosure

Advisory Action Before the Filing of an Appeal Brief	Application No. 12/050,401	Applicant(s) NISONOV, ARTHUR	
	Examiner ERIC STAPLETON	Art Unit 3742	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 February 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: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 3. NOTE: Claim 13 is broadened by the current amendment and Claim 20 has been added without the cancellation of a corresponding number of claim.

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CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 BROAD HOLLOW ROAD
SUITE 420
MELVILLE NY 11747

MAILED

JUN 16 2011

OFFICE OF PETITIONS

In re Application of :
Nisonov :
Application No. 12/050,401 :
Filed: March 18, 2008 :
Attorney Docket No. 1879-2 (1147-001) :

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned March 5, 2010 for failure to timely submit a proper reply to the final Office action mailed December 4, 2009. The final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed February 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 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.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See, In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555.00 extension of time fee submitted with the petition on February 24, 2011 was subsequent to the maximum extendable period for reply to the final Office action, this fee is unnecessary. Petitioner may request a refund by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

This application is being referred to Technology Center AU 3742 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

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SALIWANCHIK, LLOYD & EISENSCHENK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE FL 32614

MAILED
FEB 18 2011
OFFICE OF PETITIONS

In re Application of	:	
BENSUSSAN et al.	:	
Application No. 12/050,441	:	DECISION ON APPLICATION
Filed: 03/18/2008	:	FOR
Atty Docket No. INN.114TD1	:	PATENT TERM ADJUSTMENT

This is a decision on the "PETITION FOR APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(b)" filed January 13, 2011. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected to two hundred six (206) 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 two hundred six (206) 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 **two hundred six (206) days**.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

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: 12/050,441

Filing or 371(c) Date:	03-18-2008	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	240
A Delays:	240	PTO Manual Adjustments:	-3
B Delays:	0	Applicant Delays:	31
C Delays:	0	Total PTA Adjustments:	206

Patent Term Adjustment History **Explanation Of Calculations**

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
71	02-16-2011	Adjustment of PTA Calculation by PTO		3	0
47	10-14-2010	Mail Notice of Allowance			0
46	10-08-2010	Case Docketed to Examiner in GAU			0
45	10-08-2010	Issue Revision Completed			0
44	10-08-2010	Document Verification			0
43	10-08-2010	Notice of Allowance Data Verification Completed			0
42	10-08-2010	Case Docketed to Examiner in GAU			0
41	10-06-2010	Examiner's Amendment Communication			0
40	10-06-2010	Notice of Allowability			0
36	08-26-2010	Information Disclosure Statement considered			0
35	08-31-2010	Date Forwarded to Examiner			0
34	08-26-2010	Response after Non-Final Action		31	28
33	08-26-2010	Request for Extension of Time - Granted			0
32	08-26-2010	Information Disclosure Statement (IDS) Filed			0
31	08-26-2010	Information Disclosure Statement (IDS) Filed			0
30	04-26-2010	Electronic Review			0
29	04-26-2010	Email Notification			0
28	04-26-2010	Mail Non-Final Rejection			0

27	04-22-2010	Non-Final Rejection		0
26	03-18-2008	Information Disclosure Statement considered		0
25	04-05-2010	Date Forwarded to Examiner		0
24	03-15-2010	Response to Election / Restriction Filed		0
23	03-15-2010	Request for Extension of Time - Granted		0
22	01-13-2010	Electronic Review		0
21	01-13-2010	Email Notification		0
20	01-13-2010	Mail Restriction Requirement	240	-1
19	01-11-2010	Requirement for Restriction / Election		0
18	03-18-2008	Information Disclosure Statement (IDS) Filed		0
17	12-05-2008	Case Docketed to Examiner in GAU		0
16	12-05-2008	IFW TSS Processing by Tech Center Complete		0
15	11-06-2008	PG-Pub Issue Notification		0
14	08-20-2008	Application Dispatched from OIPE		0
13	07-30-2008	Sent to Classification Contractor		0
12	07-30-2008	Filing Receipt - Updated		0
11	07-30-2008	Application Is Now Complete		0
10	07-14-2008	Additional Application Filing Fees		0
9	07-14-2008	Applicant has submitted new drawings to correct Corrected Papers problems		0
8	04-11-2008	Corrected Paper		0
7	04-11-2008	Filing Receipt		0
6	03-25-2008	CRF Is Good Technically / Entered into Database		0
5	03-26-2008	Cleared by L&R (LARS)		0
4	03-26-2008	Referred to Level 2 (LARS) by OIPE CSR		0
3	03-21-2008	IFW Scan & PACR Auto Security Review		0

2	03-18-2008	Information Disclosure Statement (IDS) Filed	0
1	03-18-2008	Initial Exam Team nn	0

Close Window

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/050,464	03/18/2008	Hirokazu Suzuki	08411.0097	8747

7590 11/23/2010
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
JACKSON, JAKIEDA R

ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
11/23/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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 : 7,862,492 B2
Application No: 12/050,611
Issued :January 4, 2011
Inventor : Josef Keschbaumer, et. al.

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provision of Rule 1.322 or 1.323.

Respecting the alleged error, on the title page item (62), is an editing change made in aaccordance with the style of the Invention Patent manual. Therefore, no correction(s) is in orderhere under United states Codes (U.S.C.) 254 or 255 the Code of Federal Regualation (C.F.R.) R 1.322 or R 1.323.

In view of the foregoing, the change will read as followings;
Sept. 20, 2005 (DE) 10 2005 044 957

In view of the foregoing, your reques is hereby denied.

Further correspondence concerning this matter should be filed and directed to the Decisions and Certificates of Correctopm Branch. Any response must be filed within a four week period.

Eva James
For Mary Diggs
Decisins & Certificates
Of Correction Branch
571-272-3422 or 703-756-1580

Taylor IP, PC
P. O. Box 560
Avilla, IN 46710

ej

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
SUZUKI, TOMOHARU, et al.	:	DECISION ON REQUEST TO
Application No. 12/050,620	:	PARTICIPATE IN PATENT
Filed: March 18, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. **Q107087**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 16, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Kenneth A. Wieder/

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Alexandria, VA. 22313-1450
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Ross J. Oehler
CEPHALON, Inc.
41 MOORES ROAD
PO BOX 4011
FRAZER, PA 19355

Date: January 31, 2011
Application No. 12/050,666
Filed: March 18, 2008
Subject: **PROCESS FOR ENANTIOSELECTIVE SYNTHESIS OF SINGLE ENANTIOMERS OF MODAFINIL BY ASYMMETRIC OXIDATION**

ON PETITION
37 CFR 1.48(b)

Receipt is acknowledged of the petition filed on January 07, 2011 under 37 CFR 1.48(b) for correction of inventorship. The petition has been **GRANTED**.

In view of the papers filed, it has been found that during the prosecution of the instant application a restriction was required and therefore, not all of the inventors contributed to the invention as now claimed. Accordingly, this application has been changed by the **deletion of the inventor Guy Piacenza.** The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the inventorship as corrected.

Brandon Fetterolf
United States Patent and Trademark Office
Technology Center 1600
SPE, ART UNIT 1628
Remsen 5C09
571-272-2919

/Brandon J. Fetterolf/

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Paper No.

Ross J. Oehler
CEPHALON, Inc.
41 MOORES ROAD
PO BOX 4011
FRAZER PA 19355

MAILED
FEB 15 2011
OFFICE OF PETITIONS

In re Application of	:	
Rebiere et al.	:	DECISION
Application No. 12/050,666	:	ON APPLICATION FOR
Filed: March 18, 2008	:	PATENT TERM ADJUSTMENT
Atty Docket No. CFP252C	:	
Title: PROCESS FOR	:	
ENANTIOSELECTIVE SYNTHESIS OF	:	
SINGLE ENANTIOMERS OF	:	
MODAFINIL BY ASYMMETRIC	:	
OXIDATION	:	

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed January 7, 2011. Applicant submits that the correct patent term adjustment to be indicated on the patent is three hundred and sixty-two (362) days, not two hundred and ninety-five (295) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of

issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, Applicant is advised that he may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, Applicant must timely file an application for patent term adjustment prior to the payment of the issue fee.[1]

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

---

[1] For example, if Applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then Applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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MCHALE & SLAVIN, P.A.
2855 PGA BLVD
PALM BEACH GARDENS FL 33410

MAILED
JAN 19 2011
OFFICE OF PETITIONS

In re Application of
Torrence ANDERSON et al.
Application No. 12/050,724
Filed: March 18, 2008
Attorney Docket No. **1251.482**

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 09, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before June 28, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed March 26, 2010. Accordingly, the date of abandonment of this application is June 29, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1510 and the publication fee of $300, (2) the petition fee of $1620; and (3) a proper statement of unintentional delay. Accordingly, the Issue Fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to the Office of Data Management for processing into a patent.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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GOLD & RIZVI, P.A.
11575 HERON BAY BLVD.
SUITE 309
CORAL SPRINGS FL 33076

MAILED

DEC 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Gerrard Michel D'OFFAY	:	
Application No. 12/050,725	:	DECISION ON PETITION
Filed: March 18, 2008	:	
Attorney Docket No. 1465.0200	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 08, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before September 29, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed June 29, 2010. Accordingly, the date of abandonment of this application is September 30, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755.00, (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay. Accordingly, the issue fee payment 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 the Office of Data Management.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
Alex Pinera

Application No. 12050753

Filed: March 18,2008

Attorney Docket No. FTT-523R

: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 19-AUG-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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In re Application of
Alex Pinera

Application No. 12050760

Filed: March 18,2008

Attorney Docket No. FTT-529R

: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 19-AUG-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

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	12050761
Filing Date	18-Mar-2008
First Named Inventor	Kerry Rothschild
Art Unit	3782
Examiner Name	JUSTIN LARSON
Attorney Docket Number	ROTH.001US0
Title	TENNIS BALL BELT

◉ Please withdraw me as attorney or agent for the above identified patent application and all the practitioners of record.

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(iv)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Kerry A. Rothschild
Address	15835 Poppy Lane
City	Monte Sereno
State	CA
Postal Code	95030
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Steven R. Vosen/
Name	Steven R. Vosen
Registration Number	45186

UNITED STATES 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 17,2011

In re Application of :

Kerry Rothschild

Application No : 12050761

Filed: 18-Mar-2008

Attorney Docket No : ROTH.001US0

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR.§ 1.36(b), filed November 17,2011

The request is **APPROVED**

The request was signed by Steven R. Vosen (registration no. 45186) on behalf of all the attorneys/agents of record. All attorneys/agents of record have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 with correspondence address:

Name	Kerry A. Rothschild
Name2	
Address 1	15835 Poppy Lane
Address 2	
City	Monte Sereno
State	CA
Postal Code	95030
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of	:	
Preston R. Ford	:	
Application No. 12/050,863	:	DECISION ON PETITION
Filed: March 18, 2008	:	TO WITHDRAW
Attorney Docket No. 2006201-0003	:	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
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. 12/050,865	:	DECISION ON PETITION
Filed: March 18, 2008	:	TO WITHDRAW
Attorney Docket No. 2008244-0001	:	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
Alexandria, VA 22313-1450
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VISHAY/SILICONIX C/O MURABITO, HAO & BARNES LLP
2 N. MARKET STREET
THIRD FLOOR
SAN JOSE CA 95113

MAILED

FEB 24 2011

OFFICE OF PETITIONS

In re Application of	:	
Deva Pattanayak et al	:	DECISION REFUSING STATUS
Application No. 12/050,929	:	UNDER 37 CFR 1.47(a)
Filed: March 18, 2008	:	
Attorney Docket No. VISH-8729.CIP	:	

This is in response to the petition filed November 3, 2008, which is properly being treated under 37 CFR 1.47(a).

The Office apologizes for the delay in replying to the above matter.

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 (3), set forth above.

The Office is not in receipt of the required petition fee ($200.00) under 37 CFR 1.17(g). No authorization was provided to charge the above fee.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAY 05 2011
OFFICE OF PETITIONS

VISHAY/SILICONIX C/O MURABITO,
HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE CA 95113

In re Application of	:	
Deva Pattanayak et al	:	DECISION GRANTING STATUS
Application No. 12/050,929	:	UNDER 37 CFR 1.47(a)
Filed: March 18, 2008	:	
Attorney Docket No. VISH-8729.CIP	:	

This is in response to the Request for Reconsideration of Petition under 37 CFR 1.47(a), filed April 26, 2011.[1]

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 Technology Center AU 2814 for appropriate action by the Examiner in the normal course of business.

[1] It is noted that only a fee of $200.00 was submitted on March 30, 2011, and the request for reconsideration submitted on April 26, 2011.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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KLEIN, O'NEILL & SINGH, LLP
18200 VON KARMAN AVENUE
SUITE 725
IRVINE CA 92612

MAILED
OCT 03 2011
OFFICE OF PETITIONS

In re Application of
Kuo
Application No. 12/050,935
Filed: March 18, 2008
Attorney Docket No. **1291-069-101**

ON PETITION

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY, NJ 08855

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of	:	
Eduardo JIMENEZ, et *al.*	:	
Application No. 12/051,083	:	DECISION GRANTING PETITION
Filed: March 19, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **8294-00-TB**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 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 March 9, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3788 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

MAILED
SEP 07 2010
OFFICE OF PETITIONS

In re Application of :
Fragner, et al. :
Application No. 12/051,087 : DECISION
Filed: 19 March, 2008 :
Attorney Docket No. IMSN-114US

This is a decision on the petition filed on 22 January, 2010, under 37 C.F.R. §1.27(g)(2) requesting that status as a Small Entity be removed.

> **NOTE**: In view of their duty of candor to the Office to properly inquire to ascertain the accuracy of representations made before the Office (*see*: 37 C.F.R. §1.4, §10.18, MPEP §410), Petitioners always are reminded of the responsibility to review their records and submit accurate information to the Office.

Petitioner's submission is **ACCEPTED**.

In accordance with the request, status as a Small Entity will be removed, and Petitioner is required to pay fees at the schedule set forth for not-small entities. **The additional fees were charged as authorized**.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Application No. 12/051,087

The instant application is released to IFW storage in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[2] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TUROCY & WATSON, LLP
127 Public Square
57th Floor, Key Tower
CLEVELAND OH 44114

MAILED

JAN 04 2011

OFFICE OF PETITIONS

In re Patent No. 7,832,947	:	
Issue Date: March 19, 2008	:	
Application No. 12/051,099	:	ON PETITION
Filed: March 19, 2008	:	
Attorney Docket No. TOSHP299US	:	

This is a decision on the petition filed December 7, 2010, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-2991. 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.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

MAILED
JUN 29 2011
OFFICE OF PETITIONS

In re Patent of Seifert et al.	:	
Patent No. 7,907,279	:	
Issue Date: March 15, 2011	:	Letter
Application No. 12/051,191	:	
Filing Date: March 19, 2008	:	
Attorney Docket No. 3081.243US01	:	

This is a letter in response to the request under 37 CFR 3.81 filed June 3, 2011, to accept the correction of the assignee data on the front page of the patent.

The request under 37 CFR 3.81 is **GRANTED**.

Pursuant to 37 CFR 3.81(b), a request to have a patent corrected to add, or change, an assignee's name must:

1. State an assignment to the assignee was recorded before issuance of the patent,
2. Include a request for a certificate of correction and the fee set forth in 37 CFR 1.20(a), and
3. Include the fee set forth in 37 CFR 1.17(i).

Patentees have met the requirements set forth above. Therefore, the request is granted.

The Certificates of Correction Branch be informed of the decision and the requested certificate of correction will be issued 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

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	12051202
Filing Date	19-Mar-2008
First Named Inventor	Kelly Scrantz
Art Unit	3733
Examiner Name	NICHOLAS PLIONIS
Attorney Docket Number	33939/29
Title	VERTEBRAL STABILIZATION DEVICES AND ASSOCIATED SURGICAL METHODS

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 32642

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to:
The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 102983

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/R. Whitney Johnson/
Name	R. Whitney Johnson
Registration Number	62997

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 13, 2012

In re Application of :

Kelly Scrantz

Application No : 12051202

Filed : 19-Mar-2008

Attorney Docket No : 33939/29

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 13, 2012

The request is **APPROVED**

The request was signed by R. Whitney Johnson (registration no. 62997) on behalf of all attorneys/agents associated with Customer Number 32642 . All attorneys/agents associated with Customer Number 32642 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 102983 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

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United States Patent and Trademark Office
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SALTER & MICHAELSON
THE HERITAGE BUILDING
321 SOUTH MAIN STREET
PROVIDENCE, RI 02903-7128

MAILED

JAN 13 2011

OFFICE OF PETITIONS

In re Application of	:	
Igor A. Levitsky	:	
Application No. 12/051,233	:	DECISION ON PETITION
Filed: March 19, 2008	:	TO WITHDRAW FROM
Attorney Docket No. 02981	:	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 October 21, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because practitioners requesting the withdrawal, associated with Customer Number 25,075, do not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable[1].

Additionally, practitioners have not certified that 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 duly authorized representative of the client 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. The failure to do so may subject the practitioner to discipline[2]. *See USPTO Form No. PTO/SB/83.*

Petitioner should note USPTO Form Number PTO/SB/83 requires practitioner to "check each box below that is factually correct" and Warns that "If a box is left unchecked, the request will likely not be approved". (*See USPTO Form No. PTO/SB/83*).

There is an outstanding Office action mailed on December 28, 2010, that requires a response from the applicant.

---

[1] As set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer umber Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (PTO/SB/83). Also, it should be noted that the Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34.

[2] Practitioner should note that false certification may violate a practitioners' duty under 37 CFR 10.23(b)(4) and (b)(5).

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) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Dr. Igor A. Levitsky, Emitech, Inc.
150 Harvard Street
Fall River, MA 02720

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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SALTER & MICHAELSON
THE HERITAGE BUILDING
321 SOUTH MAIN STREET
PROVIDENCE, RI 02903-7128

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of

Igor A. Levitsky
Application No. 12/051,233
Filed: March 19, 2008
Attorney Docket No. 02981

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed January 20, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because practitioner/practitioners associated with Customer Number 00987, did not make all the required certifications. It is noted that practitioner/practitioners associated with Customer Number 00987 has not certified that they (2) delivered to the client or duly authorized representative of the client papers and property (including funds) to which the client is entitled[1].

Additionally, USPTO Form Number PTO/SB/83 requires practitioner to "check each box below that is factually correct" and Warns that "If a box is left unchecked, the request will likely not be approved. (*See USPTO Form No. PTO/SB/83*).

This application is being referred to Technology Center 1700 for review of the response filed on March 18, 2011.

Any future communications from the Office will continue to be directed to the above address 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: Igor Levitsky, Emitech, Inc.
150 Harvard Street
Fall River, MA 02720

[1] It is noted that practitioner asserts "The client has requested that all future correspondence be with him. A copy of the outstanding Office Action has been given to the client." However, practitioner is required to give the client all papers and property (i.e., the entire file history) and any fees to which he is entitled.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Decision Date : April 27,2011

In re Application of :

Igor Levitsky

Application No : 12051233

Filed : 19-Mar-2008

Attorney Docket No : 02981

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 27,2011

The request is **APPROVED.**

The request was signed by David M. Driscoll (registration no. 25075) on behalf of all attorneys/agents associated with Customer Number 000987 . All attorneys/agents associated with Cusotmer Number 000987 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	Dr. Igor Levitsky
Name2	Emitech, Inc.
Address 1	150 Harvard Street
Address 2	
City	Fall River
State	MA
Postal Code	02720
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	12051233
Filing Date	19-Mar-2008
First Named Inventor	Igor Levitsky
Art Unit	1777
Examiner Name	XIAOYUN XU
Attorney Docket Number	02981
Title	OPTOCHEMICAL SENSORS FOR THE DETECTION OF LOW PRESSURE VAPORS BASED ON POROUS SEMICONDUCTORS AND EMISSIVE ORGANICS

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 000987

The reason(s) for this request are those described in 37 CFR:

10.40(c)(5)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Dr. Igor Levitsky Emitech, Inc.
Address	150 Harvard Street
City	Fall River
State	MA
Postal Code	02720
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/David M. Driscoll/
Name	David M. Driscoll
Registration Number	25075

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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Paper No. MAILED

JUN 20 2011

OFFICE OF PETITIONS

MYERS BIGEL SIBLEY & SAJOVEC, P.A.
P.O. BOX 37428
RALEIGH NC 27627

In re Patent No. 7,898,047	:	
Issue Date: March 1, 2011	:	
Application No. 12/051,303	:	ON PETITION
Filed: March 19, 2008	:	
Attorney Docket No. 5308-290IP2	:	

This is in response to the PETITION TO CORRECT ASSIGNEE UNDER 37 C.F.R. §1.183 filed April 8, 2011, which is properly treated as a request under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Pursuant to the issue fee transmittal filed October 7, 2008, the patent issued in the name of assignee "Samsung Electronics Co., Ltd, Republic of Korea." Patentee files this request, requesting that the name of the assignee be corrected to "Cree, Inc., Durham, NC (US)" and submits a certificate of correction for this purpose.

Patentee's evidence and Office records show that the assignment of the above-identified application to Cree, Inc., Durham, North Carolina was recorded on March 19, 2008. The recording of the assignment (Reel/Frame 020673/0612) occurred before payment of the issue fee on January 24, 2011 or issuance of the patent on March 1, 2011.

Receipt of the required $100 certificate of correction fee and the required $130 processing fee is acknowledged.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3219. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch has been notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction to correct the Assignee data.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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APR 15 2011
OFFICE OF PETITIONS

FAEGRE & BENSON LLP
PATENT DOCKETING - INTELLECTUAL PROPERTY
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS MN 55402-3901

In re Application of	:
SHAPIRO, Leland	:
Application No. 12/051,373	: DECISION ON PETITION
Filed: March 19, 2008	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 79487-385873	:

This is a decision on the petition under 37 CFR 1.78(a)(6), filed March 21, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

A nonprovisional application that directly claims the benefit of a provisional application under 35 U.S.C. 119(e) must be filed within 12 months from the filing date of the provisional application. Here the application that claims benefit to Provisional application serial number 60/123,523 was not filed within 12 months of the Provisional application. Further,

nonprovisional application 12/051,373 must be filed by an inventor or inventors named in the prior-filed applications for a benefit claim under 35 U.S.C. 120 and 119(e).

In regards to item (3), 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.

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Jose' G Dees at (571) 272-1569.

Christopher Bottorff
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LEYDIG, VOIT & MAYER, LTD.
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

MAILED
APR 26 2011
OFFICE OF PETITIONS

In re Patent No. 7,795,033 :
Issue Date: September 14, 2010 :
Application No. 12/051,494 : DECISION ON PETITION
Filed: March 19, 2008 :
Attorney Docket No. 702696 :

This is a decision on the Request For Certificate Of Correction Of Patent For Patent Office Mistake (37 CFR 1.322(a)), filed December 2, 2010, requesting correction on the Title Page of the subject patent, to correct the city and state of the first assignee. The Request is being treated as a Petition under 37 CFR 1.322(a) for which no fee is required. A completed Certificate of Correction Form was submitted with the petition.

The petition under 37 CFR 1.322(a) is **GRANTED**.

Petitioner requests that the present Petition was submitted to correct the city and state of the first assignee on the previously submitted PTOL-85b, filed July 19, 2010, and that such error was the Patent Office mistake. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of a Certificate of Correction, to correct the spelling of the assignee's name identified thereon from:

"The United States of America as represented by the Department of Health and Human Services, **Washington, DC** (US)"

to

--The United States of America as represented by the Department of Health And Human Services, **Bethesda, MD** (US)--

Telephone inquiries related this communication should be directed to the undersigned at (571)272-3213. Inquiries regarding this issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703)756-1814.

The Certificates of Correction Branch will be notified of this decision granted the petition under 37 CFR 1.322(a) and directing issuance of the requested Certificate of Correction.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/18/10

TO SPE OF : ART UNIT 2832

SUBJECT : Request for Certificate of Correction for Appl. No.: 12051573 Patent No.: 7767892

CofC mailroom date:
12/07/10

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

You can fax the Director/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☑ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Kim Lockett/ 12/11/10

SPE Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/18/10

TO SPE OF : ART UNIT 2832

SUBJECT : Request for Certificate of Correction for Appl. No.: 12051573 Patent No.: 7767892

CofC mailroom date:
12/07/10

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

xApproved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: Changes do not affect scope of the claims.

/Elvin Enad/ SPE AU2832

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE _____ Art Unit _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/6/2011

TO SPE OF : ART UNIT 3672 David Bagnell (spe)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/051586 Patent No.: 8007058

CofC mailroom date: _____

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____

_____

Certificates of Correction Branch

571-272-8680 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

DAVID BAGNELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

SPE **Art Unit** 3672

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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DIW Sep-10

DYKAS, SHAVER & NIPPER, LLP
P.O. BOX 877
BOISE ID 83701-0877

MAILED

SEP 20 2010

OFFICE OF PETITIONS

In re Application of :
Keith A. Nelson : DECISION ON PETITION
Application Number: 12/051730 :
Filing Date: 03/19/2008 :
Attorney Docket Number: NELK101 :

This is a decision on the petition filed on May 28, 2010, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on November 15, 2009, for failure to timely submit a reply to the non-final Office action mailed on August 14, 2009, which set a three (3)-month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on February 25, 2010.

Receipt of the amendment in response to the non-final Office action is acknowledged.

The application is referred to Technology Center Art Unit 1797 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : August 29,2011

In re Application of :

Philippe Charat

Application No : 12051734

Filed : 19-Mar-2008

Attorney Docket No : 67190802.001101

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 August 29,2011

The request is **APPROVED.**

The request was signed by William D. McSpadden (registration no. 44234) on behalf of all attorneys/agents associated with Customer Number 23562 . All attorneys/agents associated with Cusotmer Number 23562 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	Philippe Charat
Name2	
Address 1	P.O. Box 850
Address 2	
City	Rancho Santa Fe
State	CA
Postal Code	92067
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	12051734
Filing Date	19-Mar-2008
First Named Inventor	Philippe Charat
Art Unit	1781
Examiner Name	JERRY ANDERSON
Attorney Docket Number	67190802.001101
Title	SYSTEMS AND METHODS FOR PRODUCING EXTRUDED FISH PRODUCT FOR USE IN FISH FARMING

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 23562

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	Philippe Charat
Address	P.O. Box 850
City	Rancho Santa Fe
State	CA
Postal Code	92067
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/William D. McSpadden/
Name	William D. McSpadden
Registration Number	44234

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MCDONNELL BOEHNEN HULBERT &
BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

MAILED
APR 25 2011
OFFICE OF PETITIONS

In re Patent No. 7,821,272	:	
Issue Date: October 26, 2010	:	
Application No. 12/051,749	:	DECISION ON PETITION
Filed: March 19, 2008	:	
Attorney Docket No. 07-227-A	:	

This is a decision on the Petition For Patent To Issue To Assignee Under 37 C.F.R. §3.81(b) and Request For Certificate Of Correction Pursuant To 37 C.F.R. §1.323, filed December 1, 2010, requesting correction on the Title Page of the subject patent to include the second assignee's name.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner urges that the present Petition was submitted to include the second assignee's name on the previously submitted PTOL-85B and that such error was inadvertent. Accordingly, petitioner requests that a Certificate of Correction be issued to include the second assignee's name to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The requisite $100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), and the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i) have been submitted. Further, Office assignment records are consistent with the requested correction. However, after reviewing the Office records, a corrected Certificate of Correction was previously signed and sealed on January 18, 2011. (copy enclosed)

Inquiries related this communication should be directed to Cheryl Gibson-Baylor at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

Cheryl Gibson Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,821,272 B2
APPLICATION NO. : 12/051749
DATED : October 26, 2010
INVENTOR(S) : Mirko Scholz 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 title page, at item (73), Assignee:

delete "IMEC, Leuven (BE)"

replace with -- IMEC, Leuven (BE); Hanwa Electronics Ind. Co., Ltd. -- .

Signed and Sealed this
Eighteenth Day of January, 2011

David J. Kappos

David J. Kappos
Director of the United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAILED DEC 20 2010

GEORGE E. DARBY
P.O. BOX 893010
MILILANI HI 96789-3010

In re Application of: Bradford Lee Napier Application No.: 12/051793 Filed: March 19, 2008 Title: RAPID OROTRACHEAL INTUBATION GUIDE	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on November 10, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), 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.
5. The petition must be filed with the application.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the petition was not filed with the application. As noted in the policy statement referenced above, any petition to make special filed on or after the effective date must meet the new requirements set forth in the 71 Fed. Reg. 36323 notice. Applications filed before the effective date will not be eligible for the revised accelerated examination program. The

effective date of the change in practice was August 25, 2006. Thus the instant petition must be reviewed under the revised practice and the instant application is ineligible.

Since the application is ineligible, the petition has not been reviewed on its merits.

The Notice of Federal Register on June 26, 2006 (71 Fed. Reg. 36323) can be accessed on the internet at
http://www.uspto.gov/web/offices/com/sol/notices/71fr36323.pdf

Further guidance may be found website of the USPTO at
http://www.uspto.gov/web/patents/accelerated

under the accelerated examination link.

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.

Any inquiry regarding this decision should be directed to Linda Sholl, TC 3700 Special Program Examiner, at (571) 272-4391.

Linda Sholl

Linda Sholl
Special Program Examiner
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

MAILED

APR 12 2011

OFFICE OF PETITIONS

In re Application of	:
Scott S. Graves et al.	:
Application No. 12/051,805	: DECISION ON PETITION
Filed: March 19, 2008	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No: 295.061 US5	:

This is a decision on the petition under 37 CFR 1.78(a)(3) filed March 7, 2011 to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed non-provisional application nos. 10/631,660, 10/056,794, 08/871,488 as set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

While the above requirements have been satisfied, the amendment filed March 7, 2011 has been considered by the Examiner of record. The Examiner has indicated that the amendment does not place the application in condition for allowance.

In view thereof, the only proper reply to a Final Office action is an amendment placing the application in *prima facie* condition for allowance, a Notice of Appeal accompanied by the requisite fee, a Request for Continued Examination (RCE) accompanied by a proper submission under 37 CFR 1.114, or a continuing application.

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 Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Christopher Bottorff
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
MAR 26 2012
OFFICE OF PETITIONS

DLA PIPER LLP (US)
2000 UNIVERSITY AVENUE
EAST PALO ALTO CA 94303-2248

In re Application of :
Pfeiffer :
Application No. 12/051,833 : ON PETITION
Filed: March 19, 2008 :
Attorney Docket No. **370581-991110**

This is a decision on the petition under 37 CFR 1.137(b), filed February 26, 2012 to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply to the final Office action mailed May 23, 2011, which set a shortened statutory period for reply of three (3) months from its mailing date. A Notice of Abandonment was mailed January 3, 2012.

The Request for Continued Examination and fee filed February 26, 2012, is noted.

The application file is being forwarded to Technology Center, GAU 2115 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

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-65311	Patent Number: 7,667,501
Filing Date (or 371(b) or (f) Date): 03-19-2008	Issue Date: 02/23/2010
First Named Inventor: Nagesh Surendranath	
Title: CORRELATED DOUBLE SAMPLING TECHNIQUE	

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature / Wade J. Brady III /	Date August 12, 2010
Name (Print/Typed) Wade J. Brady III	Registration Number 32,080

***Note**: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below**.*

☑ *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 08/18/2010

Applicant	: Nagesh Surendranath	: DECISION ON REQUEST FOR
Patent Number	: 7667501	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/051,839	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/19/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : June 16,2011

In re Application of :

Felix Gregorian

Application No : 12051885

Filed : 20-Mar-2008

Attorney Docket No : GREGF40945

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 June 16,2011

The request is **APPROVED.**

The request was signed by Steven K Martin (registration no. 38542) on behalf of all attorneys/agents associated with Customer Number 21587 . All attorneys/agents associated with Cusotmer Number 21587 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	Felix S. Gregorian
Name2	
Address 1	3 Blueberry Lane
Address 2	
City	N. Chelmsford
State	MA
Postal Code	01863
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	12051885
Filing Date	20-Mar-2008
First Named Inventor	Felix Gregorian
Art Unit	3771
Examiner Name	VALERIE SKORUPA
Attorney Docket Number	GREGF40945
Title	Endotracheal Tube with Radiopaque Distal End Marker

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 21587

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	Felix S. Gregorian
Address	3 Blueberry Lane
City	N. Chelmsford
State	MA
Postal Code	01863
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Steven K Martin, Reg No 38542/
Name	Steven K Martin
Registration Number	38542

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

GREENBERG TRAURIG, LLP (DC/ORL)
2101 L Street, N.W.
Suite 1000
Washington, DC 20037

Mail Date: 09/13/2010

Applicant	: Michael Scott Kranz	: DECISION ON REQUEST FOR
Patent Number	: 7748272	: RECALCULATION of PATENT
Issue Date	: 07/06/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/051,905	: OF WYETH
Filed	: 03/20/2008	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1125
4417 LANCASTER PIKE
WILMINGTON DE 19805

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APR 10 2012
OFFICE OF PETITIONS

In re Application of
Suh et al.
Application No. 12/051,931
Filed: March 20, 2008
Attorney Docket No. EL0715USNA

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 1, 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 February 2, 2011. The Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on May 3, 2011. A Notice of Abandonment was mailed on February 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 $1860.00, and (3) a statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR §10.18(b). In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR §1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that Petitioner herein was ever empowered to prosecute the instant application. If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. However, all future correspondence will be mailed solely to the correspondence address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 1715 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant

Charlema Grant
Attorney Advisor
Office of Petitions

Cc: Rakesh H. Mehta
1313 N. Market Street
P.O. Box 951
Wilmington, DE 19801

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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July 19, 2011

S. Peter Konzel
Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
Boston, MA 02205

Patent No.	: 7,980,697 B2
Appl. No.	: 12/051,981
Inventor(s)	: Hisashi Tsukada, et al.
Issued	: July 19, 2011
Title	: **FUNDUS OCULI OBSERVATION DEVICE AND OPHTHALMIC IMAGE DISPLAY DEVICE**
Docket No.	: 85389 (302971)

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.323.

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 petition to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(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) 273-8300 ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

/Virginia Tolbert/
Virginia Tolbert
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571) 272-0460

vt

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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MCCORMICK, PAULDING & HUBER LLP
CITY PLACE II
185 ASYLUM STREET
HARTFORD CT 06103

MAILED

MAY 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Brian C. Weed et al.	:	
Application No. 12/052,110	:	DECISION ON PETITION
Filed: March 20, 2008	:	
Attorney Docket No. **5339-0001-1**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 29, 2011, to revive the above-identified application.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 9, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 9, 2010. Accordingly, the date of abandonment of this application is March 10, 2011.

The petition is hereby **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755 and the publication fee of $300, (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Data Management for processing into a patent.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SANDIA CORPORATION
P O BOX 5800
MS-0161
ALBUQUERQUE NM 87185-0161

MAILED
JAN 31 2011
OFFICE OF PETITIONS

In re Application of	:	
David G. Wilson et al	:	
Application No. 12/052,180	:	DECISION ON PETITION
Filed: March 20, 2008	:	
Attorney Docket No. SD10138.1/S107643	:	

This is a decision on the petition, filed December 10, 2008, 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 Notice to File Missing Parts of Nonprovisional Application (Notice) of April 2, 2008, which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before June 2, 2008.

Petitioner states that a timely reply was mailed via certificate of Fax on April 11, 2008, which included the following papers: signed declaration and fee authorization. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated April 11, 2008, 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 Notice of April 2, 2008 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been transmitted by facsimile on April 11, 2008.

This application is being referred to The Office of Patent Application Processing for appropriate action in the normal course of business on the reply received with petition.

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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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

MAILED

JAN 26 2011

OFFICE OF PETITIONS

In re Application of
Shigeru Tahara, et al.
Application No. 12/052,239
Filed: March 20, 2008
Attorney Docket No. 323963US26

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(6), filed November 23, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

This pending nonprovisional application was filed on March 20, 2008, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/954,166, which was filed on August 6, 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 the Application Data Sheet filed concurrently with the petition is unsigned.

Further the request cannot be approved because the issue fee in this case was paid on November 11, 2010. Therefore, it is conceivable that the application will issue before either the filing or the granting of a renewed petition under 37 C.F.R. §1.78(a)(6). In such case, submission of a certificate of correction (along with the $100 fee) will be required as a condition for granting the petition under 37 C.F.R. §1.78(a)(6).

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 a signed Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)), is required.

As authorized, the $1410 fee required by 37 CFR 1.78(a)(6)(ii) will be charged to petitioner's credit card.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

MAILED
MAR 10 2011
OFFICE OF PETITIONS

In re Application of
Shigeru Tahara, et al.
Application No. 12/052,239
Filed: March 20, 2008
Attorney Docket No. 323963US26

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(6)

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed January 31, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

MPEP 1481.03(b) states:

> Under no circumstances can a Certificate of Correction be employed to correct an applicant's mistake by adding or correcting a priority claim under 35 U.S.C. 119(e) for an application filed on or after November 29, 2000.
>
> Section 4503 of the American Inventors Protection Act of 1999 (AIPA) amended 35 U.S.C. 119(e)(1) to state that:
>
> > No application shall be entitled to the benefit of an earlier filed provisional application under this subsection unless an amendment containing the specific reference to the earlier filed provisional application is submitted at such time during the pendency of the application as required by the Director. The Director may consider the failure to submit such an amendment within that time period as a waiver of any benefit under this subsection. The Director may establish procedures, including the payment of a surcharge, to accept an unintentionally delayed submission of an amendment under this section during the pendency of the application. (emphasis added)
>
> A Certificate of Correction is NOT a valid mechanism for adding or correcting a priority claim under 35 U.S.C. 119(e) after a patent has been granted on an application filed on or after November 29, 2000.

The Certificate of Correction accompanying the petition includes benefit claims to provisional application nos. 60/552,521 and 60/657,261. In view of the above, the filing of a petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), along with the submission of a Certificate of Correction, is not the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior filed provisional application after issuance of the application into a patent. Petitioner may wish to seek such a benefit claim in a reissue application. See MPEP 1402.

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

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642.

/dab/
David Bucci
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.
12/052,280	03/20/2008	Koichi Sato	HYUGP113US	2111

23623 7590 10/01/2010
TUROCY & WATSON, LLP
127 Public Square
57th Floor, Key Tower
CLEVELAND, OH 44114

EXAMINER
GUPTA, RAJ R

ART UNIT	PAPER NUMBER
2814	

NOTIFICATION DATE	DELIVERY MODE
10/01/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket1@thepatentattorneys.com
hholmes@thepatentattorneys.com
setoori@thepatentattorneys.com

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Alexandria, VA 22313-1450
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TUROCY & WATSON, LLP
127 Public Square
57th Floor, Key Tower
CLEVELAND OH 44114

In re Application of Koichi Sato	:	
Appl. No.: 12/052,280	:	
Filed: March 20, 2008	:	DECISION ON
Attorney Docket No.: HYUGP113US	:	PETITION
For: SEMICONDUCTOR CHIP, SEMICONDUCTOR DEVICE AND METHOD FOR PRODUCING THE SAME	:	UNDER 37 C.F.R.§ 1.59

This is a decision on the petition under 37 C.F.R. §1.59(b), filed September 16, 2009, to expunge information inadvertently submitted electronically on September 16, 2009, from the above-identified application.

The petition is DENIED.

Petitioner requests that the Information Disclosure Statement (IDS) filed September 16, 2009, be expunged from the record because the information therein was proprietary material that was filed in error. The petition was submitted by the party who originally submitted the information and "the petitioner is hereby authorized to retain this information for the period of any patent."

Pursuant to M.P.E.P. § 724.02, Trade Secret, Proprietary and/or Protective Order materials must be clearly labeled as such and be filed in a sealed, clearly labeled envelope or container.

Pursuant to M.P.E.P. § 724.05,

> "II. INFORMATION UNINTENTIONALLY SUBMITTED IN APPLICATION
> A petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that:
> (A) the Office can effect such return prior to the issuance of any patent on the application in issue;

(B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
(C) the information has not otherwise been made public;
(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
(E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and
(F) the petition fee as set forth in 37 CFR 1.17(g) is included.
A request to expunge information that has not been clearly identified as information that may be later subject to such a request by marking and placement in a separate sealed envelope or container shall be treated on a case-by-case basis. Applicants should note that unidentified information that is a trade secret, proprietary, or subject to a protective order that is submitted in an Information Disclosure Statement may inadvertently be placed in an Office prior art search file by the examiner due to the lack of such identification and may not be retrievable. If a petition to expunge is not filed prior to the mailing of the notice of allowability, the materials submitted under MPEP § 724.02 will be released to the public upon the issuance of the application as a patent and upon the filing of a request and the appropriate fee (37 CFR 1.14)."

The petition was not filed as a proprietary material under M.P.E.P. 724.02 and does not satisfy conditions (B), (C) and (D) above for a grantable petition to expunge information unintentionally or inadvertently submitted on September 16, 2009.

The IDS filed September 16, 2009 will remain in the file record.

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.

Edward Lefkowitz, Acting Group Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS TX 75201-4761

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Application of	:	
Richard A. Wiltshire et al.	:	
Application No. 12/052,407	:	DECISION ON PETITION
Filed: March 20, 2008	:	TO WITHDRAW
Attorney Docket No. 122923-1001	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 14, 2011.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because a forwarding address was not provided. The request to change the correspondence address should be that of the: (1) the first named signing inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS TX 75201-4761

MAILED
NOV 07 2011
OFFICE OF PETITIONS

In re Application of Richard A. Wiltshire et al. Application No. 12/052,407 Filed: March 20, 2008 Attorney Docket No. 122923-1001	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 October 27, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Kenneth R. Glaser on behalf of all attorneys/agents associated with customer number 32914. All attorneys/agents associated with customer number 32914 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: Richard A. Wiltshire
1405 Spring Avenue
Carrollton, TX 75006

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/052,407	03/20/2008	Richard A. Wiltshire	122923-1001

CONFIRMATION NO. 2367

POWER OF ATTORNEY NOTICE

32914
GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS, TX 75201-4761

OC000000050795534

Date Mailed: 11/03/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/27/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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ROSENBAUM & SILVERT, P.C.
1480 TECHNY ROAD
NORTHBROOK IL 60062

MAILED

MAY 3 1 2011

OFFICE OF PETITIONS

In re Application of	:	
Nicanor G. Issue et al.	:	
Application No. 12/052,424	:	DECISION ON PETITION
Filed: March 20, 2008	:	TO WITHDRAW
Attorney Docket No. 6138-006	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed May 19, 2011.

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 Donald J. Silvert and all attorneys/agents associated with customer number 29335 do not have power of attorney, but has acted in a representative capacity 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 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: Nicanor Isse, M.D.
1441 Avocado Road
Suite 307
Newport Beach, CA 92660-7704

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BOOTH ALBANESI SCHROEDER LLC
1601 ELM STREET
SUITE 1950
DALLAS TX 75201-4744

MAILED
JAN 05 2011
OFFICE OF PETITIONS

In re Application of	:	
Westfall, et al.	:	
Application No. 12/052,448	:	DECISION ON PETITION
Filed: March 20, 2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. ALPI173-18833/C	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed November 29, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application No. 10/270,849, 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 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 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:

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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 Petitions Attorney Cliff Congo at (571) 272-3207.

Chris Bottorff
Supervisory Petitions Examiner
Office of Petitions

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BOOTH ALBANESI SCHROEDER LLC
1601 ELM STREET
SUITE 1950
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MAILED
MAR 31 2011
OFFICE OF PETITIONS

In re Application of	:	
Westfall, et al.	:	
Application No. 12/052,448	:	DECISION ON PETITION
Filed: March 20, 2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. ALPI173-18833/C	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed January 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 No. 10/270,849, 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 instant petition does not satisfy requirement (1) above. The reference contained in the ADS is not proper because application No. 10/681,884 does not contain a priority claim to application No. 10/270,849. Correction to the priority must be made in the '884 application.

Further correspondence with respect to this matter should be addressed as follows:

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Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any inquiries concerning this decision may be directed to Petitions Attorney Cliff Congo at (571) 272-3207.

Chris Bottorff
Petitions Examiner
Office of Petitions

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MAILED
MAY 20 2011
OFFICE OF PETITIONS

In re Application of	:	
Westfall, et al.	:	
Application No. 12/052,448	:	DECISION ON PETITION
Filed: March 20, 2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. ALPI173-18833/C	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed May 5, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application Nos. 10/270,849, 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 application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Petitions Attorney Cliff Congo at (571) 272-3207. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3724 for consideration by the examiner of applicants' entitlement to claim benefit of priority under 35 U.S.C. § 120 to the non-provisional application No. 10/270,849, set forth in the ADS, filed May 5, 2011.

Any inquiries concerning this decision may be directed to Petitions Attorney Cliff Congo at (571) 272-3207.

Chris Bottorff
Petitions Examiner
Office of Petitions

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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
12/052,448	03/20/2008	3724	1030	ALPI173-18833/C	16	3

CONFIRMATION NO. 2449

CORRECTED FILING RECEIPT

1224
BOOTH ALBANESI SCHROEDER LLC
1601 ELM STREET
SUITE 1950
DALLAS, TX 75201-4744

OC000000047774001

Date Mailed: 05/20/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Brian Westfall, Cleburne, TX;
Brent McMillan, Murphy, TX;
Richard Zeinert, Carrollton, TX;
Andrew Lashley, Grand Prairie, TX;
David L. McAdoo, Alvarado, TX;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 10/681,884 10/08/2003 ABN
and is a CIP of 10/270,849 10/14/2002 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.)

If Required, Foreign Filing License Granted: 03/28/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/052,448**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

LINEAR SAW WITH STAB-CUT BEVEL CAPABILITY

Preliminary Class

083

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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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

MAILED

AUG 2 6 2010

OFFICE OF PETITIONS

In re Application of	:	
David TRANDAL, et al	:	
Application No. 12/052,456	:	DECISION ON PETITION
Filed: March 20, 2008	:	TO WITHDRAW
Attorney Docket No. DTDB.001A	:	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.**

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.

In this regard, the file record indicates that David N. Weiss 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 acknowledges the Power of Attorney filed June 29, 2010, however, it has not been accepted.

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.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: DAVID N. WEISS
1901 AVENUE OF THE STARS,
SUITE 1500
LOS ANGELES, CA 90067

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/28/2011

TO SPE OF : ART UNIT 2111 Rinehart Mark (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/052458 Patent No.: 8037324

CofC mailroom date: _____

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____

_____

Certificates of Correction Branch

571-272-8680 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: All corrections are approved for enter into the record.

TIM VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100
SPE

2111
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.
12/052,476	03/20/2008	Mulugeta Zerfu Wudu	MSOLP009	2497

22434 7590 08/11/2010
Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

EXAMINER
GARDNER, SHANNON M

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
08/11/2010	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):

USPTO@wavsip.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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CT

August 10, 2010

In re application of	:	DECISION ON REQUEST TO
Mulugeta Zerfu Wudu et al	:	PARTICIPATE IN PATENT
Serial No. 12/052,476	:	PROSECUTION HIGHWAY
Filed: March 20, 2008	:	PROGRAM AND
For: INTERCONNECT ASSEMBLY	:	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 (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed June 16, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO, or KIPO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial

applicability along with an English translation thereof if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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FISH & RICHARDSON P.C. (NY)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED
MAR 09 2012
OFFICE OF PETITIONS

In re Application of	:	
Holm et al.	:	ON APPLICATION FOR
Application No. 12/052484	:	PATENT TERM ADJUSTMENT
Filing or 371(c) Date: 03/20/2008	:	INCLUDING REQUEST FOR
Attorney Docket Number:	:	RECONSIDERATION
17563-008001	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed February 3, 2012. Applicant petitions for reconsideration of the patent term adjustment to six hundred thirty-five (635) days, not six hundred twenty-seven (627) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction based upon an assertion that the Office erred in calculating a reduction of eight (8) days.

The Application for Patent Term Adjustment Including Request for Reconsideration of Patent Term Adjustment ("PTA") under 37 CFR 1.705(b), as it relates to the assertion that the Office erred in calculating a reduction of eight (8) days is **GRANTED**.

On November 4, 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 six hundred twenty-seven (627) days.

On February 3, 2012, Applicant timely submitted the instant application for patent term adjustment[1]. Applicant requests that the Determination of Patent Term Adjustment be corrected from six hundred twenty-seven (627) days, as indicated on the Determination of PTA mailed November 4, 2011, to an adjustment of six hundred thirty-five (635) days. Applicant avers that the Office incorrectly charged Applicant with a reduction of eight (8) days of delay.

Applicant asserts that the Office erred in calculating a patent term of six hundred twenty-seven (627) days. The Determination of Patent Term Adjustment under 35 U.S.C. 154(b) mailed November 4, 2011 indicates a patent term of six hundred twenty-seven (627) days. The present request for reconsideration of patent term adjustment indicates that the Office may have erred in calculating a reduction of eight (8) days in connection with the filing of a reply on Monday, October 3, 2011, filed in reply to a final Office action, mailed July 1, 2011.

[1] PALM records show that the Issue Fee payment was received in the Office on February 3, 2012.

Office records confirm that a Request for Continued Examination and Amendment in reply to a final Office action, mailed July 1, 20111, was filed on Monday, October 3, 2011. Accordingly, the period of reduction of eight (8) days entered for the reply is not warranted and is being removed.

In view thereof, as of the time of allowance, the application is entitled to an overall patent term adjustment of six hundred thirty-five (635) days, subject to any terminal disclaimer.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Publications Division for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of Adjustment PAIR Calculations

Patent Term Adjustments

PTA/PTE Information | Patent Term Adjustment | Patent Term Extension

Application Number*: 12052484 Search | Explanation of PTA Calculation | Explanation of PTE Calculation

PTA Calculations for Application: 12052484

Application Filing Date	03/20/2008	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	635
A Delays	635	PTO Manual Adjustment	8
B Delays	0	Applicant Delay (APPL)	8
C Delays	0	Total PTA (days)	635

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
74	03/06/2012		P028	Adjustment of PTA Calculation by PTO	8		0
64	11/04/2011		MN/=.	Mail Notice of Allowance			0
63	11/01/2011		OAR	Office Action Review			0
62	11/01/2011		OAR	Office Action Review			0
61	11/01/2011		OAR	Office Action Review			0
60	11/01/2011		IREV	Issue Revision Completed			0
59	11/01/2011		DVER	Document Verification			0
58	11/01/2011		N/=.	Notice of Allowance Data Verification Completed			0
57	11/01/2011		DOCK	Case Docketed to Examiner in GAU			0
56	10/31/2011		EX.R	Reasons for Allowance			0
55	10/31/2011		EX.A	Examiner's Amendment Communication			0
54	10/31/2011		CNTA	Allowability Notice			0
53	10/13/2011		FWDX	Date Forwarded to Examiner			0
50	10/13/2011		ABN9	Disposal for a RCE / CPA / R129			0
51	10/09/2011	10/01/2011	RCEX	Request for Continued Examination (RCE)		8	41
52	10/03/2011		AMSB	Amendment Submitted/Entered with Filing of CPA/RCE			0
49	10/03/2011		BRCE	Workflow - Request for RCE - Begin			0
48	09/28/2011		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
47	09/22/2011		OAR	Office Action Review			0
46	09/20/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
45	09/20/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
44	09/20/2011		EXIA	Interview Summary- Applicant Initiated			0
43	07/01/2011		ELC_RVW	Electronic Review			0
42	07/01/2011		EML_NTF	Email Notification			0
41	07/01/2011		MCTFR	Mail Final Rejection (PTOL - 326)			0
40	06/28/2011		OAR	Office Action Review			0
39	06/20/2011		OAR	Office Action Review			0
38	06/19/2011		CTFR	Final Rejection			0
37	05/18/2011		FWDX	Date Forwarded to Examiner			0
36	05/13/2011		A...	Response after Non-Final Action			0
35	02/14/2011		ELC_RVW	Electronic Review			0
34	02/14/2011		EML_NTF	Email Notification			0
33	02/14/2011	05/20/2009	MCTNF	Mail Non-Final Rejection	635		0.5
32	02/09/2011		CTNF	Non-Final Rejection			0
24	11/15/2010		DOCK	Case Docketed to Examiner in GAU			0
23	05/29/2009		DOCK	Case Docketed to Examiner in GAU			0
22	04/20/2009		DOCK	Case Docketed to Examiner in GAU			0
17	09/26/2008		EML_NTR	Email Notification			0
16	09/25/2008		PG-ISSUE	PG-Pub Issue Notification			0
29	08/29/2008		IDSC	Information Disclosure Statement considered			0
20	08/29/2008		RCAP	Reference capture on IDS			0
19	08/29/2008		M844	Information Disclosure Statement (IDS) Filed			0
14	08/29/2008		WIDS	Information Disclosure Statement (IDS) Filed			0
13	06/16/2008		OIPE	Application Dispatched from OIPE			0
12	06/05/2008		PGPC	Sent to Classification Contractor			0
11	06/05/2008		FLRCPT.U	Filing Receipt - Updated			0
10	06/05/2008		COMP	Application Is Now Complete			0
9	06/02/2008		ADDFLFEE	Additional Application Filing Fees			0
8	06/02/2008		OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic			0
7	04/03/2008		INCD	Notice Mailed--Application Incomplete--Filing Date Assigned			0
6	04/03/2008		FLRCPT.O	Filing Receipt			0
5	03/27/2008		L194	Cleared by OIPE CSR			0
3	03/23/2008		SCAN	IFW Scan & PACR Auto Security Review			0
30	03/20/2008		IDSC	Information Disclosure Statement considered			0
2	03/20/2008		WIDS	Information Disclosure Statement (IDS) Filed			0

1	03/20/2008	IEXX	Initial Exam Team nn	0
0.5	03/20/2008	EFILE	Filing date	0

Export to: Excel

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Decision Date : January 20, 2012

In re Application of :

Yutaka Urakawa

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12052528

Filed : 20-Mar-2008

Attorney Docket No : 076376.1062

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed January 20, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2625 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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	12052528
Filing Date	20-Mar-2008
First Named Inventor	Yutaka Urakawa
Art Unit	2625
Examiner Name	DOV POPOVICI
Attorney Docket Number	076376.1062
Title	COMMUNICATION 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	/Hung-Wei Tsai/
Name	Hung-Wei Tsai
Registration Number	62601

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GENENTECH, INC.
1 DNA WAY
SOUTH SAN FRANCISCO CA 94080

MAILED

JUN 06 2011

OFFICE OF PETITIONS

In re Application :
Benyunes :
Application No. 12/052,606 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: March 20, 2008 :
Dkt. No.: P2027R1C2 :

This is in response to the application for patent term adjustment under 37 CFR 1.705(b), filed May 13, 2011.

The petition to correct the patent term adjustment indicated in the Determination of Patent Term Adjustment mailed February 16, 2011 to indicate that, as of the mailing of the Notice of Allowance, the patent term adjustment is 336 days is **GRANTED**.

In view thereof, as of the time of allowance, the application is entitled to a patent term adjustment of 336 days, as argued

The $200.00 patent term adjustment application required per 37 CFR 1.18(e) has been charged to the authorized deposit account.

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Applicant may access the adjusted PAIR calculation of adjustment via the Patent Application Information Retrieval.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

MAILED
JAN 26 2012
OFFICE OF PETITIONS

In re Application of :
Chuprov, et al. :
Application No. 12/052,652 : ON APPLICATION FOR
Filed: March 20, 2008 : PATENT TERM ADJUSTMENT
Atty Docket No. 088245-6539 :

This is in response to the REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b) filed January 3, 2012. Applicants submit that the correct patent term adjustment to be indicated on the patent is one thousand, one hundred and thirty-six (1,036) days, not six hundred and seventy-two (672) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that applicants may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

---

[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 decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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HESLIN ROTHENBERG FARLEY & MESITI P.C.
5 COLUMBIA CIRCLE
ALBANY NY 12203

MAILED
MAR 05 2012
OFFICE OF PETITIONS

In re Application of	:	
Mark S. Farrell, et al.	:	
Application No. 12/052,675	:	DECISION GRANTING PETITION
Filed: March 20, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. POU920080095US2	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 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 on February 9, 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 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 2189 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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HESLIN ROTHENBERG FARLEY & MESITI P.C.
5 COLUMBIA CIRCLE
ALBANY NY 12203

MAILED
MAR 05 2012
OFFICE OF PETITIONS

In re Application of	:	
Mark S. Farrell, et al.	:	
Application No. 12/052,683	:	DECISION GRANTING PETITION
Filed: March 20, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. POU920080095US3	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 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 on February 9, 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 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 2189 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

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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.*

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	12052815
Filing Date	21-Mar-2008
First Named Inventor	Yu-Ching Sun
Art Unit	2818
Examiner Name	ANDY HUYNH
Attorney Docket Number	ASEG-021/00US 307632-2040
Title	SEMICONDUCTOR PACKAGE AND THE METHOD OF MAKING THE SAME

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 58249

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	Advanced Semiconductor Engineering, Inc. c/o Foley & Lardner
Address	975 Page Mill Road
City	Palo Alto
State	CA
Postal Code	94304
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/William S. Galliani/
Name	William S. Galliani
Registration Number	33885

UNITED STATES 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 :

Yu-Ching Sun

Application No : 12052815

Filed : 21-Mar-2008

Attorney Docket No : ASEG-021/00US 307632-2040

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 10, 2012

The request is **APPROVED.**

The request was signed by William S. Galliani (registration no. 33885) on behalf of all attorneys/agents associated with Customer Number 58249 . All attorneys/agents associated with Cusotmer Number 58249 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	Advanced Semiconductor Engineering, Inc.
Name2	c/o Foley & Lardner
Address 1	975 Page Mill Road
Address 2	
City	Palo Alto
State	CA
Postal Code	94304
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

SEP 14 2010

OFFICE OF PETITIONS

DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York NY 10008-0770

In re Application of Koki Goto Application No. 12/052,841 Filed: March 21, 2008 Attorney Docket No. 09475/0209282-US0	: : : : :	DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 29, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before July 2, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed April 2, 2010. Accordingly, the application became abandoned at midnight July 2, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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) 272-3213.

This application is being referred to Publishing Division for processing into a patent.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

Best Available Copy

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 01-14-12

TO SPE OF : ART UNIT 3721

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/052874 Patent No.: 7721932

CofC mailroom date: 12-20-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____

_____

Angela Green 571.272.9005

CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☒ **Denied** — State the reasons for denial below.

Comments: The proposed change should occur on line 9 of column 17, not line 10. This would be approved. Further, the word "first" on line 4 of column 17 should be changed to "staple".

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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KELLEY DRYE & WARREN LLP
STEVEN J MOORE
400 ALTLANTIC STREET 13TH FLOOR
STAMFORD CT 06901

MAILED

JAN 04 2011

OFFICE OF PETITIONS

In re Application of

Tafas, et al.
Application No. 12/052,898
Filed: March 21, 2008
Attorney Docket No. IK-127.1

DECISION ON PETITION

This is in response to the petition to revive under 37 CFR 1.137(b), filed December 2, 2010.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above application became abandoned for failure to timely file pay the issue fee in response to the Notice of Allowance, mailed August 6, 2010. This Notice set a statutory period for reply of three months. No issue fee having been received, the application became abandoned on November 7, 2010. Applicant subsequently paid the issue fee on November 15, 2010. The Office mailed a Notice of Abandonment on November 26, 2010.

With the instant petition, applicant paid the petition fee, submitted the required reply in the form of the issue fee, and made the proper statement of unintentional delay.

The matter is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/052,911	03/21/2008	Kaoru Sugita	08411.0101-00000	3269

7590 12/09/2010
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
WELCH, DAVID T

ART UNIT	PAPER NUMBER
2628	

MAIL DATE	DELIVERY MODE
12/09/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

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

Decision Date : February 27, 2012

In re Application of :

Dan Millward

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12052956

Filed : 21-Mar-2008

Attorney Docket No : MTI-34992

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed February 27, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 1713 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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	12052956
Filing Date	21-Mar-2008
First Named Inventor	Dan Millward
Art Unit	1713
Examiner Name	BRADFORD GATES
Attorney Docket Number	MTI-34992
Title	THERMAL ANNEAL OF BLOCK COPOLYMER FILMS WITH TOP INTERFACE CONSTRAINED TO WET BOTH BLOCKS WITH EQUAL PREFERENCE

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:
(1) Petition fee; and
(2) One of the following reasons:
(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☐ Applicant(s) status remains as SMALL ENTITY.

☒ Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

○ One or more claims are unpatentable

◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)

○ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request,submission, and fee.

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on

☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

○ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

○ A sole inventor

○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

○ A joint inventor; all of whom are signing this e-petition

○ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Kristine M. Strodthoff/
Name	Kristine M. Strodthoff
Registration Number	34259

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 28, 2011

TO SPE OF : ART UNIT 3673 SPE Peter M. Cuomo .

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/052,974 Patent No.: 7,895,691 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 title be amended as requested by applicant?
See COCIN dated 03-08-2011

Antonio Johnson

Certificates of Correction Branch
(571)272-0483 Fax – (571)270-9846

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

xApproved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

_____ ____ **SPE__/Peter M. Cuomo/____Art Unit _3673_____**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DENNISON, SCHULTZ & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA VA 22314

MAILED
MAR 14 2011
OFFICE OF PETITIONS

In re Application of	:	
Guillon, et al.	:	
Application No. 12/053,022	:	NOTICE
Filed: March 21, 2008	:	
Attorney Docket No. 08027	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed February 2, 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.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 07/21/11

TO SPE OF : ART UNIT: 3721 Attn: RADA RINALDI I (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/053066 Patent No.: 7909223

CofC mailroom date: 07/14/11

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

Note: Please check Claim 19

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1814 & 703-756-1593

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **X Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: Approved

/Rinaldi I. Rada/ — SPE

3721 — Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

MAILED
AUG 26 2010
OFFICE OF PETITIONS

In re Application of :
Akihiko Komatsu :
Application No.: 12/053,068 : ON PETITION
Filed: March 21, 2008 :
Attorney Docket No.: 393032072900 :

This is a decision on the petition, filed August 25, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2832 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : **07/19/11**

TO SPE OF : ART UNIT: **3721 Attn: RADA RINALDI I (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **12/053182** Patent No.: **7913892**

CofC mailroom date: 07/14/11

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

Note: **Please check Claim 6**

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1814 & 703-756-1593

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: Approved

/Rinaldi I. Rada/
SPE

3721
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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NIXON PEABODY LLP - PATENT GROUP
1100 CLINTON SQUARE
ROCHESTER NY 14604

MAILED

MAY 3 1 2011

OFFICE OF PETITIONS

In re Application of	:	
Brooke Picotte	:	
Application No. 12/053,225	:	DECISION ON PETITION
Filed: May 22, 2007	:	TO WITHDRAW
Attorney Docket No. 048763/329250	:	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 2, 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 Joseph M. Noto, on behalf of all attorneys/agents associated with customer number 26774. All attorneys/agents associated with customer number 26774 have been withdrawn.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Gunderboom, Inc.
210 Hickman Drive
Sanford, FL 32771

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
12/053,225	03/21/2008	Harold B. Dreyer	35856/151

CONFIRMATION NO. 3815

POWER OF ATTORNEY NOTICE

26774
NIXON PEABODY LLP - PATENT GROUP
1100 CLINTON SQUARE
ROCHESTER, NY 14604

OC000000047854331

Date Mailed: 05/24/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/02/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/053,260	03/21/2008	Howard Ganz	GANZ-43130	3885

26206 7590 10/07/2010
Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland, OH 44114-3108

EXAMINER
HERNDON, HEATHER R

ART UNIT	PAPER NUMBER
2176	

NOTIFICATION DATE	DELIVERY MODE
10/07/2010	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):

patdocket@pearne.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

Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland OH 44114-3108

In re Application of: GANZ et al.
Application No. 12/053,260
Attorney Docket #: GANZ-43130
Filed: arch 21, 2008
For: **SOCIAL NETWORKING IN A NON-PERSONALIZED ENVIRONMENT**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 19, 2010, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the CIPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the CIPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the CIPO, or

(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the CIPO application(s)
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the CIPO application(s) and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of ALL the office action(s) from each of the CIPO application(s) containing the allowable/patentable claim(s)

Further, if a copy of the documents from a above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English language translation of the CIPO Office action(s) from (5)(a)(i) above
c. A statement that the English translation is accurate

(6) Applicant must submit:
a. An IDS listing the documents cited by the CIPO examiner in the CIPO office action (unless already submitted in this application)
b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The petition is **GRANTED.**

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : December 8, 2010

TO SPE OF : ART UNIT 1654 - SPE Cecilia J. Tsang.

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/053,325 Patent No.: 7,754,419 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Antonio Johnson

Should the change to claims 5 and 6, changing "(a) to "(b)" is to be approved as requested by applicant?
See COCIN dated 11-11-2010

_____
Certificates of Correction Branch
(571)272-0483

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

X **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

Cecilia Tsang SPE 1654 **Art Unit 1654**

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
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MAR 10 2011
OFFICE OF PETITIONS

Hogan Lovells US LLP
1999 AVENUE OF THE STARS
SUITE 1400
LOS ANGELES CA 90067

In re Application of
Karginov
Application No. 12/053,437
Filed: March 21, 2008
Attorney Docket No. 30537.0006

: 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 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 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).

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. *See* MPEP Section 201.11, Reference to Prior Nonprovisional Applications. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)), which states the relationship of the prior-filed application to this application, are required.

Further, 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 U.S. App. No. 12/044,666, for which priority is sought. See, 37 CFR 1.78(a)(1).

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 (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. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §1.78(a)(3). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

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 Alesia M. Brown at (571) 272-3205.

Chris Bottorff
Supervisor
Office of Petitions

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MAILED
JUL 29 2011
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Hogan Lovells US LLP
1999 AVENUE OF THE STARS
SUITE 1400
LOS ANGELES CA 90067

In re Application of	:
Karginov	:
Application No. 12/053,437	: DECISION ON PETITION
Filed: March 21, 2008	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 30537.0006	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 11, 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 proposed amendment to claim priority to the prior-filed applications cannot be entered because the examiner has determined that the proposed amendment raises new issues that would require further consideration and/or search. Accordingly, petitioner may wish to submit a Request for Continued Examination (RCE) if reconsideration of the petition for acceptance of the late claim for priority under 37 CFR 1.78(a)(3) is desired.

The examiner of record will mail an Advisory Action to applicants under separate cover.

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

This application is being forwarded to Group Art Unit 1623 for further processing.

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
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Hogan Lovells US LLP
1999 AVENUE OF THE STARS
SUITE 1400
LOS ANGELES CA 90067

MAILED
JAN 30 2012
OFFICE OF PETITIONS

In re Application of
Karginov
Application No. 12/053,437
Filed: March 21, 2008
Attorney Docket No. 30537.0006

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 January 19, 2012, 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 petition does not comply with item (1).

The desired claim does not appear to be supported by the record. Specific reference is made with respect to application 60/539,577.

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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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

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, practitioner's signature appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If practitioner desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to practitioner, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

This application is being forwarded to Group Art Unit 1623 for further processing.

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

CC: Matthew Lee
2000 AVENUE OF THE STARS
SUITE 400
LOS ANGELES CA 90067

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Hogan Lovells US LLP
1999 AVENUE OF THE STARS
SUITE 1400
LOS ANGELES CA 90067

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MAR 13 2012
OFFICE OF PETITIONS

In re Application of	:	
Karginov	:	
Application No. 12/053,437	:	DECISION ON PETITION
Filed: March 21, 2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 30537.0006	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 24, 2012, 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 comply with item (1). As previously indicated, the desired claim cannot be entered.

Non-provisional App. No. 12/044,642, filed March 7, 2008, **cannot** claim the benefit of provisional App. No. 60/539,577, filed January 29, 2004, because non-provisional App. No. 12/044,642 **was not** filed within 12 months of the filing date of provisional App. No. 60/539,577.

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

Further correspondence with respect to this matter should be addressed as follows:

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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

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, practitioner's signature appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If practitioner desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to practitioner, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

This application is being forwarded to Group Art Unit 1623 for further processing.

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

CC: Matthew Lee
2000 AVENUE OF THE STARS
SUITE 400
LOS ANGELES CA 90067

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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PALO ALTO CA 94304-1050

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JAN 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Nancy L. Augustine et al.	:	DECISION ON PETITION
Application No. 12/053,467	:	TO WITHDRAW
Filed: March 21, 2008	:	FROM RECORD
Attorney Docket No. **34645-702.201**	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed December 30, 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

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FEB 22 2011

OFFICE OF PETITIONS

In re Application of	:	
AUGUSTINE, et al	:	
Application No. 12/053,498	:	DECISION ON PETITION
Filed: March 21, 2008	:	TO WITHDRAW
Attorney Docket No. 34645-703.201	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 30, 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 a new practitioner or law firm that has filed a proper power of attorney in the Office, nor is it an assignee of the entire interest who has been properly made of record under 37 CFR 3.71 or the first named inventor.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED
MAR 22 2011
OFFICE OF PETITIONS

In re Application of	:	
Thomas R. Hecht	:	
Application No. 12/053,501	:	DECISION ON PETITION
Filed: March 21, 2008	:	
Attorney Docket No. 007961-009710US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 4, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before February 2, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed November 2, 2010. Accordingly, the date of abandonment of this application is February 3, 2011. The Notice of Abandonment was mailed February 14, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Office of Data Management for processing into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Mark T. McMaster**
1420 Fifth Avenue, Suite 4400
Seattle, WA 98101

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JAN 18 2011

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PALO ALTO CA 94304-1050

In re Application of	:	
Nancy L. Augustine et al.	:	DECISION ON PETITION
Application No. 12/053,517	:	TO WITHDRAW
Filed: March 21, 2008	:	FROM RECORD
Attorney Docket No. **34645-701.201**	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed December 30, 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

Commissioner for Patents
United States Patent and Trademark Office
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MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Augustine et al.	:	DECISION ON PETITION
Application No. 12/053,530	:	TO WITHDRAW
Filed: March 21, 2008	:	FROM RECORD
Attorney Docket No. 34645-704.201	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 30, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

As it does not appear Rob Kostow, CFA A(Alvarez & Marsal North America) is either the first-named inventor or the assignee, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

The application became abandoned for failure to timely reply to the Office action mailed July 7, 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). These Requests will be placed in the application but will not be treated on their merits. As such, any renewed request will not be acted on unless the instant application is revived.

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
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HAMILTON & TERRILE, LLP - FREESCALE
P.O. BOX 203518
AUSTIN, TX 78720

MAILED
OCT 18 2010
OFFICE OF PETITIONS

In re Application of	:	
Jayesh H. Kotecha	:	
Application No. 12/053,577	:	DECISION GRANTING PETITION
Filed: March 22, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. CP41803TS (GWH)	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 15, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 25, 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 2471 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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FREESCALE SEMICONDUCTOR, INC.
LAW DEPARTMENT
7700 WEST PARMER LANE MD:TX32/PL02
AUSTIN TX 78729

MAILED
NOV 16 2010
OFFICE OF PETITIONS

In re Application of :
Rozen et al. :
Application No. 12/053,601 :
Filed: March 23, 2008 :
Attorney Docket No. WM41646EH :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 20, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely submit the issue and publication fees, as required by the Notice of Allowance and Fee (s) Due, which was mailed June 14, 2010. The Notice of Allowance and Fee (s) Due and the Notice of Allowability set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on September 15, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

As to item (1), although petitioner has submitted a request for continued examination (RCE) and information disclosure statements (IDS), the application was held abandoned for failure to pay the issue and publication fees. Thus, the required reply also must include the submission of 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 include payment of the issue fee or any outstanding balance. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee. 35 U.S.C. 41(a)(7) and 151 each require payment of the issue fee as a condition of reviving an application abandoned or patent lapsed for failure to pay the issue fee. See MPEP 711.03(c).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FREESCALE SEMICONDUCTOR, INC.
LAW DEPARTMENT
7700 WEST PARMER LANE MD:TX32/PL02
AUSTIN TX 78729

MAILED
FEB 28 2011
OFFICE OF PETITIONS

In re Application of :
Rozen et al. :
Application No. 12/053,601 :
Filed: March 23, 2008 :
Attorney Docket No. WM41646EH :

ON PETITION

This is decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 17, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit the issue and publication fees, as required by the Notice of Allowance and Fee (s) Due, which was mailed June 14, 2010. The Notice of Allowance and Fee (s) Due and the Notice of Allowability set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on September 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 payment of the issue and publication fees of $1810, RCE and an Information Disclosure Statement (IDS), (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

Petitioner is advised that the issue fee paid on renewed petition 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 concerning this decision should be directed to the undersigned at (571) 272-3215.

---

[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.*

This application is being referred to Technology Center AU 2816 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the submission in accordance with 37 CFR 1.114.

Charlema Grant
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : February 9, 2011

TO SPE OF : ART UNIT 1714

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/053657 patent no 7837794

CofC mailroom date: 01-19-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

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: _____

1714

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MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON, MA 02111

MAILED

NOV 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Michael J. Werle et al	:	
Application No. 12/053,695	:	DECISION ON PETITION
Filed: March 24, 2008	:	TO WITHDRAW
Attorney Docket No. 37410-501001US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 19, 2010.

The request is **APPROVED**.

The request was signed by Michael D. Van Loy on behalf of the practitioners of record associated with Customer Number 64,046.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to assignee FloDesign Wind Turbine at the first 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: FloDesign Wind Turbine
380 Main Street
Wilbraham, MA 01095

cc: Michael D. Van Loy
3580 Carmel Mountain Road, Suite 300
San Diego, CA 92130

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/053,695	03/24/2008	Michael J. Werle	37410-501001US

CONFIRMATION NO. 4775

POWER OF ATTORNEY NOTICE

64046
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

OC000000044371934

Date Mailed: 11/08/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/19/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/053,695	03/24/2008	Michael J. Werle	37410-501001US

CONFIRMATION NO. 4775

FloDesign Wind Turbine
380 Main Street
Wilbraham, MA 01095

POA ACCEPTANCE LETTER

OC000000044371935

Date Mailed: 11/08/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/19/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford CT 06103

MAILED
DEC 29 2010
OFFICE OF PETITIONS

In re Application of	:	
Yahel Mankadi	:	
Application No. 12/053,702	:	DECISION ON PETITION
Filed: March 24, 2008	:	
Attorney Docket No. APL0006US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 18, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 23, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 14, 2010. The Notice of Abandonment was mailed October 29, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555 extension of time fee submitted with the petition on November 18, 2010 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 3679 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

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	12053735
Filing Date	24-Mar-2008
First Named Inventor	William Eby
Art Unit	1638
Examiner Name	CYNTHIA COLLINS
Attorney Docket Number	1421-326
Title	Soybean Cultivar 7113111

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 32905

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to:
The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Robert J. Jondle/
Name	Robert J. Jondle
Registration Number	33915

UNITED STATES 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 16, 2012

In re Application of :

William Eby

Application No : 12053735

Filed : 24-Mar-2008

Attorney Docket No : 1421-326

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 16, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Paper No.

MAILED

JUL 05 2011

OFFICE OF PETITIONS

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

In re Application of :
Austermeier Georg :
Application No. 12/053,777 : LETTER REGARDING
Filed: March 24, 2008 : FEE DEFICIENCY PAYMENT
Atty Docket No. MRET 0102 PUSA:

This is in response to the "NOTIFICATION OF WITHDRAWAL OF CLAIM OF SMALL ENTITY STATUS AND ERROR IN PAYMENT OF FEE(S) AS A SMALL ENTITY (37 C.F.R. § 1.28(c))" filed March 24, 2011, which is properly treated as a notification of loss of entitlement to small entity status.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

This letter includes an itemization of the fee deficiencies and payment as required by 37 CFR 1.28(c)(2)(ii).

Your notification of a loss of entitlement to small entity status is made of record and your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAILED
FEB 06 2012
OFFICE OF PETITIONS

MOSSMAN KUMAR AND TYLER, PC
PO BOX 421239
HOUSTON TX 77242

In re Application of Gladkikh, et al. Application No. 12/053,988 Filed: March 24, 2008 Attorney Docket Number: NMR4-46211-USC	: : : : :	DECISION ON PETITION

This is in response to the petition under 37 CFR 1.84(a)(2), filed March 24, 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.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

(1) The fee set forth in 37 C.F.R. 1.17(h);

(2) Three (3) sets of color drawings, or one (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.

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."

Here, the Office has determined that color drawings for Figures 16 and 17 are not the only practical medium by which to disclose the subject matter. See, e.g. MPEP 608.02, Section IX, which states that drawing symbols can be used to indicate various materials where the material is an important feature of the invention.

The $130 petition fee has been charged to Deposit Account No. 02-0429, as authorized.

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

The application is being forwarded to Group Art Unit 2857.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff

Cliff Congo
Petitions Attorney
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	12054018
Filing Date	24-Mar-2008
First Named Inventor	Phuong Nguyen
Art Unit	3727
Examiner Name	ROBERT ROSE
Attorney Docket Number	PN-6-MV
Title	CHEMICAL MECHANICAL POLISHING PAD AND DRESSER

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
(4) Statement that the entire delay was unintentional.

Petition fee
The petition fee under 37CFR 1.17(m) is attached.

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☒ Applicant(s) status remains as SMALL ENTITY.

☐ Applicant(s) status remains as other than SMALL ENTITY.

Issue Fee and Publication Fee :

Issue Fee and Publication Fee must accompany ePetition.

☒ Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

- (●) Drawing corrections and/ or other deficiencies are not required
- ( ) I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ( ) Drawing corrections and/ or other deficiencies are attached.
- [x] STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- (●) An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ( ) An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ( ) A sole inventor
- ( ) A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ( ) A joint inventor; all of whom are signing this e-petition.
- ( ) The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Michael I. Kroll/
Name	Michael I. Kroll
Registration Number	26755

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 19, 2012

In re Application of :

Phuong Nguyen

Application No : 12054018

Filed : 24-Mar-2008

Attorney Docket No : PN-6-MV

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed April 19, 2012 , to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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STROOCK & STROOCK & LAVAN LLP
180 MAIDEN LANE
NEW YORK NY 10038

MAILED

MAR 16 2012

OFFICE OF PETITIONS

In re Application of
HOLLAND, BRYAN
Application No. 12/054,070
Filed: 03/24/2008
Attorney Docket No. 002715/0010

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 9, 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 July 23, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 24, 2010. A Notice of Abandonment was mailed on 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 an amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 2618 for appropriate action by the Examiner on the reply received on January 9, 2012.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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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	:	
Richard Kuiper et al.	:	
Application No. 12/054,079	:	DECISION ON PETITION
Filed: March 24, 2008	:	TO WITHDRAW
Attorney Docket No. **2008027-0004 (SCS-001)**	:	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

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.
12/054,083	03/24/2008	Shawn MADDAFORD	50361/010003	5464

21559 7590 06/23/2011
CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

EXAMINER
CHANDRAKUMAR, NIZAL S

ART UNIT	PAPER NUMBER
1625	

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):

patentadministrator@clarkelbing.com

United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JUN 23 2011

J. Cooper McDonald, Ph. D
CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Application of	:
Maddaford et al	:Decision on Petition
Serial No.: 12/054,083	:
Filed : 24 March 2008	:
Attorney Docket No.: 50361/010003	:

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 3 March 2011 requesting reconsideration of the restriction requirements mailed 12 January 2010 and 8 September 2010. The delay in acting upon this petition is regretted.

BACKGROUND

This application was filed as a national application under 35 U.S.C. 111(a) and as such is entitled to restriction practice under Chapter 800.

On 12 January 2010, the examiner set forth a first restriction requirement which divided claims 1-86 into four groups and required a further subdivision.

On 12 February 2010, applicants elected Group I, with traverse.

On 14 April 2010, the examiner mailed to applicants a non-final Office action in which the traversal was considered, and the requirement was made final. Claims 19-83 were withdrawn from consideration under 37 CFR 1.142(b) as being directed to non-elected subject matter. Claims 1-18 and 84-86 were examined. Claims 1, 2 and 18 were rejected under 35 U.S.C. 112, first paragraph for scope of enablement. Claims 1 and 7 were rejected under 35 U.S.C. 102(b) as being anticipated by Hansen. Claims 1, 2 and 4 were rejected under 35 U.S.C. 102(b) as being

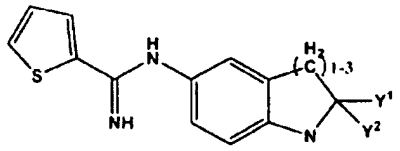
anticipated by Winklemann. Claims 1, 2 and 6 were rejected under 35 U.S.C. 102(b) as being anticipated by Richardson. Claims 1, 2 and 3 were separately rejected under 35 U.S.C. 102(b) as being anticipated by (i) Sato and (ii) Sellin. Claim 5 was rejected under 35 U.S.C. 102(b) as being anticipated by EP 0322746. Claims 1, 2 and 7 were rejected under 35 U.S.C. 102(b) as being anticipated by Tomazic. Claims 8-17 and 86 were indicated as allowable, but were objected to for depending upon rejected base claims.

On 8 September 2010, the examiner set forth a second restriction requirement which divided claims 1-86 into four groups and required a further subdivision to a single disclosed species.

On 8 October 2010, applicants elected Group I, with traverse.

On 3 November 2010, the examiner mailed to applicants an Office action in which the traversal was considered, and the requirement was made final. The examiner indicated:

> Claims 1-16, 18, 84, 85 contain non-elected subject matter.
>
> Claims 1-16, 18, 84, 85 are Examined to the extent that they read on the compounds of formula



> Y^1 and Y^2 are each H or
> Y^1 and Y^2 are =O

Claims 1-16, 18, 84 and 85 were rejected under 35 U.S.C. 112, 2nd paragraph for reciting optional substituents. Claim 17 was indicated as allowable, but was objected to for depending upon rejected base claims. Claims 86-88 were indicated as allowable.

On 3 March 2011, applicants filed a response to the Office action along with this petition.

DISCUSSION

The file history and petition have been considered carefully.

First, the petition raised concerns the second restriction required after a first Office action on the merits, which had included a variety of rejections made against several embodiments recited in the alternative of the claim. Given the prosecution history of this application, these arguments are persuasive.

Second, the petition points out that the examiner has placed Markush claims into two groups for the purposes of restriction. Because applicant's claims are drafted in Markush-type format, the petition argues that they should be considered under the guidelines of MPEP 803.02. This is persuasive.

On 9 February 2011, the Office issued A Federal Register Notice entitled "Supplemental Examination Guidelines for Determining Compliance with 35 U.S.C. 112 and for treatment of Related Issues in Patent Applications." Page 7166 sets forth guidelines for the treatment of Markush-type claims:

> "Under principles of compact prosecution, the examiner should also require the applicant to elect a species or group of indistinct species for search and examination (*i.e.*, an election of species).52 If the examiner does not find the species or group of indistinct species in the prior art, then the examiner should extend the search to those additional species that fall within the scope of a permissible Markush claim. In other words, the examiner should extend the search to the species that share a single structural similarity and a common use. The improper Markush claim should be examined for patentability over the prior art with respect to the elected species or group of indistinct species, as well as the species that share a single structural similarity and a common use with the elected species or group of indistinct species (*i.e.*, the species that would fall within the scope of a proper Markush claim)."

In view of these new guidelines, the restriction requirement between the embodiments of the Markush claims is unwarranted and is hereby replaced with a provisional election of species requirement.

lastly, applicant has argued that the examiner has not followed the election and examination practice for Markush claims. If the examined embodiments in those claims are free of the prior art, MPEP 803.02 requires extended examination of other embodiments. See:

> Following election, the Markush-type claim will be examined fully with respect to the elected species and further to the extent necessary to determine patentability. If the Markush-type claim is not allowable, the provisional election will be given effect and examination will be limited to the Markush-type claim and claims to the elected species, with claims drawn to species patentably distinct from the elected species held withdrawn from further consideration.

Applicants have a right to retain non-elected embodiments recited in the alternative of a single claim and to have embodiments which have already been examined on the merits to continue to be examined on the merits.

DECISION

For these reasons, the petition filed under 37 CFR 1.144 on 3 March 2011 is **GRANTED** follows.

The second restriction requirement dated 8 September 2010 has been withdrawn.

The intraclaim restriction requirement made between Groups I-II made on 12 January 2010 has been withdrawn and replaced with an election of species requirement. Applicant's election will

continue to be examined, along with any other embodiments which the examiner has considered on the merits, including those rejected under prior art in the first Office action on the merits.

The application will be forwarded to the examiner to consider the papers filed 3 March 2011, and to prepare a supplemental Office action addressing Claims 1-18 and 84-88 consistent with this petition decision. Markush claims are to be examined according to the guidance in MPEP 803.02 and the FR Notice of February 2011.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 703-272-8300.

Remy Yucel
Director, Technology Center 1600

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SHELDON MAK & ANDERSON PC
100 Corson Street
Third Floor
PASADENA CA 91103-3842

MAILED

AUG 10 2011

OFFICE OF PETITIONS

In re Application of	:	
Mangala P. Bajpai	:	
Application No. 12/054,129	:	DECISION ON PETITION
Filed: March 24, 2008	:	TO WITHDRAW
Attorney Docket No. 21080	:	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 25, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Kristin C. Hiibner on behalf of all attorneys/agents associated with customer number 23676. All attorneys/agents associated with customer number 23676 have been withdrawn.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Mukul Bajpai
636 Sedgeworth Court
Simi Valley, CA 93065

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/054,129	03/24/2008	Mangala P. Bajpai	21080

CONFIRMATION NO. 5548

POWER OF ATTORNEY NOTICE

OC000000049163231

23676
SHELDON MAK & ANDERSON PC
100 Corson Street
Third Floor
PASADENA, CA 91103-3842

Date Mailed: 08/05/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/25/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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MAR 05 2012

OFFICE OF PETITIONS

In re Application of :
Takashi Hisada et al. :
Application No. 12/054,156 : ON PETITION
Filed: March 24, 2008 :
Attorney Docket No.: JP920060169US1 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 7, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a reply to the Final Office action mailed June 9, 2011, which set a three (3) month shortened statutory period for reply. The response filed September 9, 2011 did not place the application in condition for allowance. An advisory action was mailed September 30, 2011. Accordingly, the Notice of Abandonment was mailed January 20, 2012.

The Notice of Appeal filed February 7, 2012 has been entered and made of record. Accordingly, the two (2)-month period for filing the Appeal Brief, accompanied by the fee required by law, runs from the date of this decision.

The application is being forwarded to Technology Center 2811 for processing of the Notice of Appeal.

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

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HOUSTON, TX 77010

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OCT 26 2010

OFFICE OF PETITIONS

In re Application of
Stewart A. Levin
Application No. 12/054,159
Filed: March 24, 2008
Attorney Docket No.: 33849-199

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed August 25, 2010.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before August 10, 2010, as required by the Notice of Allowance and Fee(s) Due mailed May 10, 2010. A Notice of Abandonment was mailed on August 25, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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